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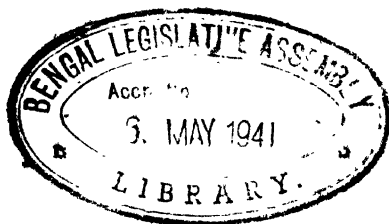


Official Report

Bengal Legislative Council Debates

Second Session, 1940

26th July—19th September, 1940.



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BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT,

Khan Sahib ABDUL HAMID CHOWDHURY, M.L.C.

SECRETARY TO THE COUNCIL.

Dr. S. K. D. GUPTA, M.A. (CANTAB.), LL.M. (CANTAB.), LL.D. (DUBLIN),
Barrister-at-Law.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL.

Mr. T. M. PAUL, B.A.

PANEL OF CHAIRMEN.

1. Mr. KAMINI KUMAR DUTTA.
2. Begum HAMIDA MOMIN.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur.
4. Mr. J. B. ROSS.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Departments of Public Health (including Medical) and Local Self-Government.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of the Department of Communications and Works.

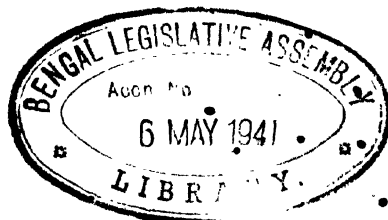
The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Departments of Finance, Commerce and Labour.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Department.

The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forest and Excise Departments.

The Hon'ble Mr. MUKUNDA BEHARY MULICK, in charge of the Co-operative Credit and Rural Indebtedness Department.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Departments of Agriculture, Industries (including Veterinary) and Rural Reconstruction.



BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]
4. Ali, Mr. Altaf. [Bengal Legislative Assembly.]
5. Aziz, Khan Sahib Abdul. [Presidency Division South Muhammadan (Rural).]

B

6. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
7. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
8. Barua, Mr. Dharendra Lal. [Chosen by the Governor.]
9. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

10. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
11. Chaudhury, Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
12. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
13. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
15. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
16. Chowdhury, Mr. Humayun Reza. [Raishahi *cum* Malda Muhammadan (Rural).]
17. Cohen, Mr. D. J. [Chosen by the Governor.]

D

18. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
21. D'Rozario, Mrs. K. [Chosen by Governor.]
22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

23. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

F

24. Ferguson, Mr. R. W. N. [Bengal Legislative Assembly.]

G

25. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

26. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latifat. [Chosen by the Governor.]
28. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

J

30. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

35. Laidlaw, Mr. W. B. G. [European.]
36. Lamb, Sir T. [Bengal Legislative Assembly.]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
38. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
39. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
40. Momin, Begum Hamida. [Chosen by the Governor.]
41. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
42. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]

P

43. Pal Chaudhuri, Mr. Ranajit. [Presidency Division General (Rural).]

Q

44. Quasem, Maulvi Abul. [Bengal Legislative Assembly.]

*President of the Bengal Legislative Council.

R

45. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
46. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
47. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
48. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
49. Ray, Rai Sahib Jogendra Nath. [Burdwan Division North-East General (Rural).]
50. Ross, Mr. J. B. [Bengal Legislative Assembly.]
51. Roy, Mr. Amulya Dhone. [Bengal Legislative Assembly.]
52. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
53. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]
54. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]

S

55. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
56. Sarker, Rai Sahib Indu Bhusan. [Dacca Division South General (Rural).]
57. Scott-Kerr, Mr. W. F. [European.]
58. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West (Rural).]
59. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
60. Singh Roy, The Hon'ble Sir Bijoy Prasad. [Bengal Legislative Assembly.]
61. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]
62. Stark, Mr. A. F. [European.]

T

63. Talukdar, Dr. Kasiruddin. [Bogra cum Pabna Muhammadan (Rural).]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 26th July, 1940, at 2-15 p.m., being the first day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Oath.

Any member desiring to take his seat will please come to the Table and take oath or make affirmation of allegiance, in the manner prescribed.

Mr. R. W. N. Ferguson then took oath of office as a member of the Bengal Legislative Council.

MR. PRESIDENT: I am to announce to the Council the names of the members and the dates on which each of them took oath of office as a member of the Bengal Legislative Council since the prorogation of the last Session of the Council:—

- (1) Khan Bahadur Muklesur Rahman, 5th April, 1940.
- (2) Rai Bahadur Brojendra Mohan Maitra, 6th April, 1940.
- (3) Mr. Lalit Chandra Das, 6th April, 1940.
- (4) Mr. W. F. Scott-Kerr, 6th April, 1940.
- (5) Khan Sahib Abdul Aziz, 6th April, 1940.
- (6) Dr. Kasiruddin Talukdar, 6th April, 1940.
- (7) Mr. Moazzemali Choudhury (*alias* Lal Mia), 6th April, 1940.
- (8) Mr. Nur Ahmed, 6th April, 1940.
- (9) The Hon'ble Sir Bijoy Prasau Singh Roy, 6th April, 1940.
- (10) Mr. Birendra Kishore Roy Chowdhury, 6th April, 1940.
- (11) Sir T. Lamb, 6th April, 1940.
- (12) Maulvi Abul Quasem, 6th April, 1940.
- (13) Khan Bahadur Saiyed Muazzamuddin Hosain, 6th April, 1940.
- (14) Mr. Hamidul Huq Chowdhury, 6th April, 1940.
- (15) Mr. Altaf Ali, 6th April, 1940.
- (16) Babu Amulyadhane Roy, 6th April, 1940.
- (17) Mr. Latafat Hossain, 6th April, 1940.
- (18) Khan Bahadur Kazi Abdur Rashid, 19th April, 1940.

- (19) Rai Sahib Jogendra Nath Ray, 19th April, 1940.
- (20) Mr. Dhirendra Lal Barua, 19th April, 1940.
- (21) Mr. Kamini Kumar Dutta, 20th April, 1940.
- (22) Mr. A. F. Stark, 15th July, 1940.

War Situation.

MR. PRESIDENT: Honourable members of the Bengal Legislative Council, we meet at a time when the European War has created a situation almost unparalleled in the history of human civilization. During the last four fateful months, in common with the rest of the world we have had the mortification of seeing the old world-order shaken by the ruthless onslaughts of the Totalitarian powers. German militarism has already succeeded in getting the war-front extended beyond the boundaries of Europe. Although India still happens to be outside the range of actual war operations, the war situation in Europe—can no longer be regarded as a matter of mere academic speculation for us: it is rather one of immediate and grave concern.

This swift but unwelcome development in the International situation has served to bring home to all sections of the people in India the extreme urgency of maximum efforts being made for resisting the Nazi menace. His Excellency the Viceroy has been unremitting in his endeavours to bring together all sections of the people on a common platform in order that a gigantic push might be given in the direction of successful prosecution of the war against Nazism. Let us hope that with sweet reasonableness and sincere good-will animating the deliberations of the persons concerned in these momentous negotiations, a satisfactory solution will be evolved before long and India will be able to make the maximum contribution in men and materials for helping Britain in this most critical juncture in her history.

Obituary References.

But even in the midst of such terribly unsettled conditions all around us, we may not omit to perform the melancholy duty of paying our tribute of respect and admiration to the memory of those illustrious countrymen of ours whom death has snatched away since we met last.

REV. C. F. ANDREWS.

The name of Rev. C. F. Andrews comes uppermost to our mind in this connection. After serving the poor and the down-trodden Indians at home and abroad ceaselessly and unselfishly for 36 years in the face of almost insurmountable difficulties of race, religion, habits and clime,

Rev. Andrews breathed his last in a Calcutta Nursing Home on the 5th April, 1940. Quite early in his life he had resolved to dedicate himself to the service of his fellow-men—the needy and the poor, the lowly and the lost—and chose India as the field of his labours. Since then, he made India his second home and steadfastly worked for mitigation of the sufferings of the oppressed and helpless Indians, scattered over almost all parts of the globe, with a singleness of purpose which could hardly be equalled. It is such unremitting and selfless service in the interest of the millions to whom he was a foreigner by birth that led Dr. Rabindra Nath Tagore to observe:

“In no one man have I seen such triumph of Christianity.”

Rev. Andrews was a very intimate collaborator of Mahatma Gandhi and Dr. Tagore, two of the greatest personalities of modern India. When Mahatma Gandhi was conducting the historic Passive Resistance Movement in South Africa with a view to vindicate the rights of the Indian settlers there, Rev. Andrews was with him rendering valuable help in all possible manner although such pro-Indian activities on his part made him the victim of physical violence at the hands of his own countrymen. Later, he made “Santiniketan” his headquarters and rendered incalculable help to Dr. Tagore in developing the Viswabharati into a world-famous centre of International culture. Till the last day of his life, he was associated with the Viswabharati in the capacity of the Vice-President of its Executive Council.

Rev. Andrews was engaged every moment of his life in quietly doing some ameliorative work or other for the suffering millions in different parts of India. Whenever there was an outbreak of flood or famine, epidemic or earthquake in any part of India rendering thousands of people helpless or shelterless, Rev. Andrews was invariably to be found organising relief and succour for the sufferers like a ministering angel. I personally saw him on one occasion carrying in his own arms a patient suffering from an attack of cholera which broke out in an epidemic form among the Assam tea-garden coolies, thousands of whom had become stranded at the Chandpur railway station as the sequel to a strike. The people of India in whose service he had literally spent himself affectionately bestowed on him the title of “Dinabandhu” or Friend of the Poor. A more appropriate title could hardly be thought of, for his life was really one long chapter of suffering and service in the cause of the oppressed humanity. India can never forget Rev. Andrews nor his magnificent services for her people!

MAULVI MUJIBUR RAHAMAN.

Maulvi Mujibur Rahaman, Editor of “The Mussalman,” expired on the 26th of April last at his Calcutta residence after a protracted illness.

Quiet and unassuming in his bearing, Maulvi Mujibur Rahaman was the very embodiment of dignity and purity. If there is any truth in the adage, "Manners maketh a man," then the 'Maulvi Sahib' was undoubtedly a prince among men. Indeed, from my own experience of men and things in all walks of life so far, I can unhesitatingly say that a more moral man, in the strictest sense of the term, it has not been my privilege to come across. The most distinguishing trait of his character lay in his disdain for most of the prizes, as well as the pleasures and comforts of life. He was absolutely indifferent to money, rank, or even power and fame. Poverty had no terror for him. Far from demoralising him in any way, it rather served to bring out the sterling qualities of his head and heart in their true effulgence.

In the sphere of politics, he was a trusted friend and lieutenant of the late Mr. Abdur Rasool. He shared Mr. Rasool's abiding faith in the basic principles of nationalism to which he adhered till the last day of his life, without allowing his mind to be deflected by any consideration of ulterior advantage or material gain. I had the privilege of enjoying his personal friendship for a number of years and as such had sufficient opportunities of watching him from close quarters both in his public and private life. The impression left on my mind about him is of a man moving independently of the ordinary currents of human action,—a man solitary and austere, to whom existence was no more than a duty, yet a duty to be discharged along the strictest path of rectitude.

Bengal is undoubtedly the poorer to-day by the death of a man of such sterling worth!

MR. MAHIM CHANDRA DAS.

We have also to mourn the death of Mr. Mahim Chandra Das, the eminent leader of Chittagong, which melancholy incident took place in Calcutta on the 3rd of April last. He had a long and meritorious record of service and suffering in the cause of the country. During the days of the Non-co-operation Movement and the period which followed thereafter, I had worked with him in furtherance of the Congress programme. He was a staunch nationalist and did not flinch from any sacrifice that was demanded of him. His untimely death is a distinct loss to the province as a whole and to the people of Chittagong in particular.

I would request the honourable members to rise in their places as a mark of respect to the memory of the deceased.

(All members rose in their seats.)

It would be my duty to convey to the members of the bereaved families concerned the sense of loss which the country has sustained by the death of these illustrious men.

QUESTIONS AND ANSWERS

Outstanding Questions from last Session and Answers thereto.

Requisition of the services of Sergeants etc., for the purposes of processions and parties.

95. Mr. RANAJIT PAL CHOWDHURI: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if there is a rule to the effect that on payment of a certain fee, the services of Sergeants and constables may be requisitioned for processions or parties?

(b) If the answer be in the affirmative, will the Hon'ble Minister be pleased to state whether Ministers pay the said fees when they requisition the services of such Sergeants or constables for their parties? If not, will the same relaxation be extended to other members of the public?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) Government have no information that any such requisition has ever been made.

Mr. RANAJIT PAL CHOWDHURI: Will the Hon'ble Minister be pleased to state whether these Sergeants attend these social parties without being invited?

The Hon'ble Khwaja Sir NAZIMUDDIN: Which social parties?

Mr. RANAJIT PAL CHOWDHURY: The social parties mentioned in (b),—I mean the Minister's parties in their houses.

(No answer.)

Mr. NARESH NATH MOOKERJEE: Sir, my question arises out of answer (b). I have noticed that whenever high Government officials or the Hon'ble Ministers are entertaining in their houses on any large scale, a fairly large posse of police constables headed by Sergeants is always on duty. I suppose Mr. Pal Chowdhuri referred to that. Do I take it that they are posted in the interests of better traffic or are they requisitioned specially for that day to protect the houses of high officials or dignitaries?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know which incident the hon'ble members are referring to but as I have stated, there is no information that any requisition has been made by any Minister. When Ministers entertain His Excellency the Governor, naturally the police comes without any requisition from any Minister.

Increase in prices of all necessary commodities.

96. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

- (a) the amount of increase in the prices of foodstuffs and other edible commodities including medicine and other goods, e.g., petrol etc., fit for human use and consumption, which has taken place from the date of declaration of war and up to date by means of tabular statement;
- (b) in case of such increment, what steps Government have taken to control the same;
- (c) whether in spite of taking such steps, prices are increasing gradually; and
- (d) what further steps Government propose to take for the purpose of effectively stopping said unwarranted increase of prices?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) As there have been frequent fluctuations in the prices, it is difficult to prepare a tabular statement except for a particular date and a specified item. I would, however, refer the honourable member to the statement embodied in the Press communiqué of the 11th March, 1940, a copy of which is laid in the Library and it is presumed that will serve his purpose.

(b) Government have fixed the maximum price of all the necessary commodities and they are satisfied that all the fluctuations that had so far taken place were within the fixed limit.

(c) and (d) Do not arise.

Mr. NARESH NATH MOOKERJEE: Sir, my question is directed purely for eliciting information with regard to the price of medicines. Sir, it has been brought to my notice by several very important people that medicines of a particular kind are very difficult to obtain, and that even when it is found that fairly large stocks are held by certain chemists, they refuse to sell them. May I know from Government whether this fact has been brought to their notice? If so, what steps Government propose to take in this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, if the Hon'ble Member had specified the medicine that he is referring to, I might have made enquiries. But this question like the previous one is of a general nature, viz., that a particular medicine is running short, and it is very difficult for me to reply. As a matter of fact, the stock of medicines at the present moment is so considerable that the prices have fallen.

Mr. NARESH NATH MOOKERJEE: Is the Hon'ble Minister referring to indigenous drugs or is he referring to imported medicine?

The Hon'ble Mr. H. S. SUHRAWARDY: Imported medicine.

Introduction of Non-Agricultural Tenancy Bill.

97. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether the Government propose to introduce a Non-Agricultural Tenancy Bill in the near future?

(b) Is he aware that a memorial signed by the landholders of the districts of Bengal and others have been submitted to His Excellency the Governor of Bengal? If so, does the Government propose to stop further proceedings with the proposed legislation till a decision is made on the said memorial? If not, why not?

(c) Will the Hon'ble Minister be pleased to state whether public opinion was obtained by executive action on the proposed legislation before the Government decided to adopt such a course? If so, will he be pleased to place a copy of those opinions on the Table of the House? If not, why not?

(d) If no opinion has been obtained by executive action, will the Hon'ble Minister be pleased to place on the Table of the House the basis and the data on which the Government decided to introduce such a legislation? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Musharruf Hossain, Khan Bahadur, Minister in charge of the Judicial Department): (a) Yes, legislation about non-agricultural tenancies is contemplated.

(b) Three such memorials have been submitted to His Excellency. In deciding the lines of the proposed legislation regarding non-agricultural tenancies, Government will take into consideration the material contained in these memorials.

(c) No opinion has been obtained. Government are awaiting the recommendations of the non-agricultural tenancy committee and may ascertain public opinion on them, if necessary.

(d) The large number of ejectment suits and notices for ejectment instituted and issued by landlords against tenants of non-agricultural tenancies constituted the basis of the proposal to undertake legislation in the matter.

Replies to Questions of the Current Session.

Corruption in Government Offices.

1. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if any steps have been taken by the present popular Ministry, since its assumption of office, to check corruption prevailing in Government offices, courts and among Government servants?

(b) If so, what are they?

(c) If not, why have no steps been adopted in this direction?

(d) Do the Government propose to adopt any measures to check corruption? If not, why not?

(e) Is it a fact that some of the Provincial Governments have already modified the Government Servants' Conduct Rules prohibiting acceptance of *dalis* in any shape, forbidding Government officers from accepting entertainments and parties except on the eve of retirement from service, prohibiting use of borrowed cars and other conveyances and emphasising payment for supplies of provisions by Government servants personally? If so, do the Government propose to modify the Government Servants' Conduct Rules similarly or in any other way? If not, why not?

(f) Is it a fact that a considerable sum of money is spent in entertainments and parties given in honour of Government officers by the people of Bengal? If so, do the Government propose to take any measure to prevent this unnecessary expenditure? If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) to (d) I do not think corruption can be eradicated by any executive action. The main requisites are a strong public opinion and a high sense of public morality among the officers of Government.

(e) Government have no information.

(f) Government have no reason to believe that considerable sums are spent on such entertainments.

Khan Bahadur ATAUR RAHMAN: Arising out of answers (a) to (d), may I know if that is the reason why no action should be taken and no enquiry should be made by Government as to whether there is existence of such corruption?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir; on the other hand, if any instance is brought to the notice of Government, an immediate enquiry is made for the purpose of ascertaining the facts of the case, and action has been taken in such circumstances.

Khan Bahadur ATAUR RAHMAN: Are not Government aware that there is corruption in the Civil Courts, particularly in the lowest courts?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, information of this type has been conveyed to Government from time to time, and action has been taken whenever specific instances are brought to the notice of Government. If the honourable member is so fully aware of the condition of affairs as well as the parties who are corrupt, I shall be very glad indeed to have specific instances. The honourable member may then challenge me if we do not take any action in the matter.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Has the Government done anything to rouse public opinion and to create a higher sense of public morality in the Government offices?

The Hon'ble Mr. H. S. SUHRAWARDY: Some departments have issued circulars and some departments have not. I have no doubt that various speeches have been made by Hon'ble Ministers from time to time. If I may recall the speeches made by the Hon'ble Home Minister to the Police Force, they have brought this matter very forcibly to the notice of the public and of Government officials. I have no doubt also, Sir, that the presence of the honourable members in this House has also had a very salutary effect upon Government officers.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that if an enquiry is set on foot, it will put on guard many people who practise this sort of malpractices?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, as I stated, I do not think it proper to go in for a general and roving enquiry. If honourable members would bring specific instances, we would be glad to look into them, and as I have stated above, the honourable member may issue a challenge if we do not take any steps.

Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister be pleased to give us some examples of any notable steps that have been taken recently?

The Hon'ble Mr. H. S. SUHRAWARDY: There have been complaints, there have been enquiries, there have been dismissals. Where we have found complaints not proved, we have not taken any action. This is how we proceeded. I may point out that there are two instances which come to my mind; one is in reference to the Irrigation Department and the other in regard to the Medical Department, in connection with which enquiries are still going on.

Khan Bahadur ATAUR RAHMAN: Is the Hon'ble Minister aware of the fact that the Ministry in Bihar established a suitable machinery to eradicate corruption and that the result has been so far very satisfactory?

Mr. PRESIDENT: Order, order, that is not the concern of this Government.

Khan Bahadur NAZIRUDDIN AHMAD: The question raises no question of individual corruption, but of general corruption. Is the Hon'ble Minister aware that corruption is very common with these offices?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Rai Sahib INDU BHUSAN SARKER: Is the Hon'ble Minister aware that specially in the Sub-Registrar's offices this sort of corruption is going on, and although I raised two questions, still no steps have been taken for remedying it? Will the Hon'ble Minister enquire about corruption specially in Sub-Registrars' offices?

Mr. PRESIDENT: Order, order. This supplementary question does not arise in this connection.

Khaksar movement in Bengal.

2. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) if the Government have any definite knowledge as to the rapid growth of the Khaksar organisation in Bengal;
- (b) if it is a fact that Khaksar recruits are being drilled under cover of night in some of the parks of Calcutta; and
- (c) if the Government are contemplating any steps to crush this movement in Calcutta and in the districts of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) No.

(b) Yes.

(c) The whole question of the treatment of volunteer organisations is under examination.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state who is at the head of the Khaksar movement in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. RANAJIT PAL CHOWDHURI: Who is this Dr. Ismail Nami who professes to be the leader of the Khaksar movement in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit, Sir, that this question does not arise?

Mr. NARESH NATH MOOKERJEE: I am afraid, Sir, that (c) does not answer the question. I would like to know whether the Government propose to stamp out all voluntary organisations. Judging from their reply, it seems that they are going into the question of stopping all voluntary organisations in the province.

The Hon'ble Khwaja Sir NAZIMUDDIN: Nothing will satisfy them, because somehow or other it is supposed to be a Moslem organisation, whereas actually it is absolutely non-communal like the Congress.

Rai Sahib JATINDRA MOHAN SEN: May I ask who these Khaksars are, what is their policy, and what are they bent upon?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that it does not arise out of the question.

Mr. LALIT CHANDRA DAS: Arising out of (a), I am testing the definiteness of the knowledge of the Government with respect to the Khaksar organisation. Will the Hon'ble Minister be pleased to tell us whether a certain barrister-at-law is the leader of the Khaksar movement in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, again I wish to point out that the question is: if the Government have any definite knowledge as to the rapid growth of the Khaksar organisation in Bengal, and my answer is "no". The question is based upon the rapid growth of the Khaksar organisation, and I submit that these

supplementary questions do not arise. There are other questions on Khaksars which will be coming up later on. They are more specific, and if the hon'ble members ask supplementaries on them, I will give suitable replies.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what is the derivation of the word "Khaksar"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Consult the Urdu dictionary.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the Khaksar movement in Bengal is connected with the Khaksar movement in the Punjab?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit again that this does not arise out of this question. I have stated to the honourable members that there are other questions which will be coming up where they will have the opportunity of asking all these supplementaries legitimately.

Mr. NARESH NATH MOOKERJEE: Sir, this movement originated in the Punjab, and it is a banned organisation there to-day. Do the Government of Bengal consider that the existence of these Khaksars in such large numbers in this province is a danger and a menace to the province?

Mr. PRESIDENT: Do you like to reply to this, Sir Nazimuddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. LALIT CHANDRA DAS: Arising out of (b), will the Hon'ble Minister be pleased to state whether any step has been taken to stop drilling at night by the Khaksars?

The Hon'ble Khwaja Sir NAZIMUDDIN: Drilling by other voluntary organisations is not stopped, and as Government make no difference between other organisations and this, no steps have been taken.

Mr. LALIT CHANDRA DAS: Is it a fact that the Khaksars have pledged their services to the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, they have offered Government full co-operation in their war affairs.

Mr. LALIT CHANDRA DAS: Is it for this that their drilling at night is not stopped?

Mr. PRESIDENT: Order, order.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that the Premier of the Punjab Government, Sir Sikander Hyat Khan, has characterized the Khaksars as the fifth columnists and as being under the influence of Nazi Germany?

Mr. PRESIDENT: Order, order. I disallow this question.

Mr. LALIT CHANDRA DAS: With reference to answer (c), will the Hon'ble Minister be pleased to state whether in the event of this organisation offering its services to Government, Government would, instead of checking the movement in Calcutta and the districts of Bengal, allow it to develop?

Mr. PRESIDENT: Order, order; the Hon'ble Minister has already said that the matter is under examination.

Mr. NARESH NATH MOOKERJEE: Is it the policy of Government to permit drills at night, and is this practice tolerated in the case of other organisations as well?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that the whole question is under examination, and I have nothing further to add on this subject.

Mr. RANAJIT PAL CHOWDHURI: With regard to the question of drilling at night, may I know what are the other organisations which practise drill at night as vigorously as the Khaksars do?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are other organisations which are drilling and marching along the streets. I have already informed the House that the whole question as to how these volunteer organisations are to be treated is under examination.

Mr. LALIT CHANDRA DAS: With reference to question (a), will the Hon'ble Minister be pleased to say if Government have taken any steps up till now to ascertain whether the Khaksar movement is spreading in Bengal?

• **The Hon'ble Khwaja Sir NAZIMUDDIN:** I may inform the honourable members that there are other questions coming before the Council on this subject, and when they come it would be more relevant to answer them.

Mr. PRESIDENT: The Hon'ble Minister promises that there will be another occasion when he will be able to give a more elaborate reply and when the honourable members would also have an opportunity of putting as many supplementary questions as possible.

Report of the Land Revenue Commission.

3. Mr. RANAJIT PAL CHOWDHURI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) whether the Bengal Ministry has taken into their consideration the report of the Land Revenue Commission;
- (b) if so, the result of their deliberations over it;
- (c) the portions of the findings or recommendations that have met with their approval;
- (d) the recommendation or recommendations which they propose to give effect to forthwith; and
- (e) whether opportunity will be given to the Legislatures to discuss the report?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy: (a) to (d) The report is being examined by a Special Officer with a view to bring out the full implications—financial, economic, legal and administrative—involved in the different recommendations of the Commission, so that Government may be in a position to decide which of the recommendations may be accepted and in what manner and to what extent they may be given effect to.

(e) Government would welcome a general discussion on the Report but not till Government have had the opportunity of appreciating the implications of at least the main recommendations of the Commission.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state how long the Special Officer will take to examine the recommendations of the Commission, what procedure has been adopted by him in dealing with the recommendations and also whether it is likely that he will submit interim reports?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: The Honourable member has put several questions together which it is difficult to answer. First of all, I think the Special Officer would be able to submit his final report by the end of this year; as regards the procedure, he is taking up different recommendations, item by item, and examining them with reference to their various aspects and submitting his proposals.

Mr. PRESIDENT: Will he submit interim reports? This part of the honourable member's question has been unanswered.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: He has been submitting his recommendations in instalments. These will be examined by Government and then final decisions will be arrived at.

Maulvi ABUL QUASEM: May I enquire of the Hon'ble Minister as to when Government is likely to take their decision on the recommendations of the Special Officer?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: It is very difficult to give a definite date when Government will be able to come to a final decision, but I can assure the honourable member that Government will expedite the matter as much as possible.

Mr. RANAJIT PAL CHOWDHURI: Will the Hon'ble Minister be pleased to state whether Government are prepared to supply us with a copy of the Special Officer's reports from time to time?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: That is meant for Government and his report should for the present be treated as confidential.

Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister supply to the members of the Legislature copies of the Land Revenue Commission's Report?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Yes, Sir. The Government Press has been asked to print copies required for circulation to the members of the Legislature and these are being printed off at present.

Mr. RANAJIT PAL CHOWDHURY: May we expect to be supplied with all the six volumes of the Report including the evidence portion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether Government propose to obtain the opinion of the prominent landholders' organisations of Bengal on the recommendations of the Commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If anybody submits an opinion, it will be very welcome, but I may inform the House that landholders and all other public bodies had an opportunity of submitting their views before the Commission and the Commission made their recommendations after considering the views of the various public bodies.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to consider the desirability of publishing the evidence and the proceedings portions of the Report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The proceedings portion cannot be published, but certainly the evidence portion will be published.

Khan Bahadur NAZIRUDDIN AHMAD: In connection with the framing of the Government of India Act, the evidence and proceedings portions including the discussions were printed and had been sold to the public.

Mr. PRESIDENT: I do not think that question arises out of the main question.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether he is aware that the evidence taken in the course of the examination of witnesses has not been properly gone into in submitting the report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not the information of the Government.

Sale under the Patni Sale Law.

4. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:
(a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the first sale under section 8 of the Patni Sale Law (Regulation VIII of 1819) is to be held on the 1st of Jaista, provided if it not be a holiday?

(b) Is it a fact that in the current Bengali year the 1st of Jaista fell on a working day, corresponding to 15th May, 1940?

(c) Is it a fact that in some districts the Collectors refused to put tenures to sale on the 1st of Jaista last? If so, will the Hon'ble Minister please state the names of the districts where the sale did not take place on the 1st of Jaista and the reasons therefor?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (a) 'Yes.

(b) Yes.

(c) No; but in some districts the sale of some tenures did not take place on that date for reasons detailed in the statement annexed hereto.

Statement referred to in the reply to Question No. 4, showing districts where sale of some patni tenures did not take place on the 1st of Jaistha, 1347 B.S., and the reasons therefor.

Districts.	Reasons.
Burdwan ..	Notice was not duly published and the rent mentioned in the application and the notice did not tally with that contained in the <i>patni kabuliyat</i> .
Birbhum ..	Objections of patnidar were upheld by the Collector in two cases.
24-Parganas ..	Objections of patnidar were upheld by the Collector in two cases.
Murshidabad ..	Result of investigation under section 14 of Regulation VIII of 1819 of failure of the proprietor to produce the <i>kabuliyat</i> or other necessary papers. The sale of a few tenures had to be adjourned till the next day as the sale of all the tenures could not be concluded by 5-45 p.m. on the 1st of <i>Jaistha</i> , 1347 B.S.
Faridpur ..	A tenure was held by a court of wards estate jointly with some private landlords and the case was struck off under the provision of section 10C(2) of the Court of Wards Act, 1879.
Malda ..	In two cases none was present on behalf of the zemindar and in another the applicant zemindar was not the recorded proprietor and the Collector upheld the patnidar's objection.

Mr. RANAJIT PAL CHOWDHURI: Sir, we have not been able to go through the answer beforehand as it did not appear in print but has just now been made on the floor of the House. We have, therefore, been deprived of the right of putting supplementary questions.

Mr. PRESIDENT: But the question has been answered just now and you can put supplementary questions if you like. I may inform the honourable member in this connection that in most Legislatures questions and answers are not supplied in print beforehand.

Construction of the Satkhira-Nabharan Road.

5. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

- (a) the stage of progress in the construction of the Satkhira-Nabharan Road;
- (b) when the construction of the road in question was started;
- (c) the reason or reasons why the construction has not yet been completed; and
- (d) the time by which it is expected to be finished?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) The section of the road Nabharan to Ellispur is under construction. On this section of the road consolidation of *jham* metal has been completed except in the 11th mile. Stone metal is now being consolidated. Sanction to the construction of the remaining section of the road from Ellispur to Satkhira is now under the consideration of the Government of India.

(b) Land Acquisition and earthwork on the Nabharan-Ellispur section were begun in the cold weather of 1936-37.

(c) There has been some delay owing to the fact that the brick-supplying contractor was behind his schedule owing to a shortage of wagons for the transport of coal.

(d) It is expected that the portion now under construction will be completed in 1942-43.

Maulvi ABUL QASEM: With reference to answer (a), will the Hon'ble Minister be pleased to state if it is not a fact that the road as a whole from Nabharan to Satkhira had received the sanction of the Road Board of Bengal and also of the Central Road Board when it had been first taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:
No, Sir.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state if only the portion from Nabharan to Ellispur was sanctioned; and, if so, what was the amount sanctioned for this purpose?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes; speaking from memory, I think Rs. 5,00,000 was the sanctioned amount.

Maulvi ABUL QUASEM: Was it the intention of the Road Board of Bengal that piecemeal sanction to the construction of this road should be given; and were the Government satisfied with this piecemeal sanction?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may state that when that portion of the road from Nabharan to Ellispur was sanctioned by the old Road Board, the Special Officer's comprehensive report was not ready and so, I believe, the old Board was not in a position to even recommend the other section and only approved that section which I have just mentioned.

Maulvi ABUL QUASEM: Is the Hon'ble Minister aware that the construction of the road from Nabharan to Ellispur would be of no use if the road from Nabharan to Satkhira is not completed at the same time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, I know that it is a very important feeder road which connects the subdivisional headquarters with the railway station.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state whether the Government of Bengal have recommended to the Government of India for the construction of the road from Nabharan to Satkhira on the ground that the road from Nabharan to Ellispur would be of no use until the road from Nabharan to Satkhira was completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: We have already recommended to the Government of India for sanctioning the road from Ellispur to Satkhira.

Maulvi ABUL QUASEM: Is the Hon'ble Minister aware that because of the sanction to the whole scheme, as understood by the public of Khulna and particularly by the District Board of Khulna, all the trees on either side of the road have been cut down, as a result of which pedestrians are now suffering a lot of inconvenience and great hardship is also caused to the people by Government not taking up this portion of the road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I cannot understand what is in the mind of the honourable member in asking this question, but, as I have already stated, work in one section of the road has already commenced, and we have recommended for the sanction of the Government of India to the other section of the road. The other section will be taken up when sanction is received and funds are provided. This Government cannot be held responsible if the Government of India delays in granting the necessary sanction.

Maulvi ABUL QUASEM: Sir, the Hon'ble Minister has referred to a report of the Special Officer which was not in existence on the date when the previous Road Board had recommended the construction of the road from Nabharan to Satkhira. May I enquire if the report of the Special Officer, which was subsequently made, made any change so far as this scheme is concerned?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, speaking from memory again, I do not think that this road has been recommended by the Special Officer.

Maulvi ABUL QUASEM: May I enquire whether this refusal to recommend sanction to this particular road by the Special Officer has anything to do with the delaying of the completion of the project?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, as a matter of fact, I do not admit that there has been any delay since we have taken up the project. Since 1937, we have been spending more than what has been allotted and this year we have provided for about Rs. 50,000 which, it is expected, will be fully spent on the project.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the length of this contemplated road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: About 28 miles.

Khan Bahadur ATAUR RAHMAN: May I know from the Hon'ble Minister if the road-making goes at this rate, when will we be able to complete the roads of Bengal as recommended by the Special Officer, Mr. King?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I deny that the progress is slow; because last year we spent very nearly Rs. 30 lakhs for the province and in the present year we hope to spend more than that. Considering everything, that is certainly not a slow pace specially if we take into account the number of schemes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state how many miles have been constructed in the course of the last two years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am afraid I will require notice to answer that.

Assent to the Bengal Money-Lenders Bill of 1939.

6. Mr. RANAJIT PAL CHOWDHURI: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

- (a) whether the Bengal Money-Lenders Bill of 1939 has received the assent of both the Governor and the Governor-General;
- (b) if so, whether any change or modification has been made by either of them; and
- (c) if the answer to part (a) is in the negative, when it is likely to receive the necessary assent?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The Bill has been submitted to His Excellency the Governor for his assent.

Mr. RANAJIT PAL CHOWDHURI: Is the Government aware of a news-item that came out about a week ago to the effect that the Bill had received the assent of the Governor?

Mr. PRESIDENT: Order, order. I have seen it myself. I shall announce that the assent has been received.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether as a matter of fact His Excellency the Governor has in the meantime given his assent to the Bill?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not aware of it.

Khan Bahadur ATAUR RAHMAN: Does the Hon'ble Minister admit or deny the report as published in the "Amrita Bazar Patrika"?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I can neither admit nor deny.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether there is anything repugnant in some of the provisions of the Money-lenders Bill which will require it to be placed before the Viceroy for his assent?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Here is a letter just received from the Additional Secretary to the Government of Bengal to the Secretary, Bengal Legislative Council. It reads thus:—

"I am directed to forward herewith a copy of a notification....."

Mr. PRESIDENT: Order, order. I shall announce that.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to admit now that His Excellency the Governor has in the meantime given his assent to the Bill?

Mr. PRESIDENT: This is not a supplementary question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether there is anything repugnant in some of the provisions of the Bill requiring it to be placed before the Viceroy for his assent?

Mr. PRESIDENT: That is a matter of opinion.

Mr. RANAJIT PAL CHOWDHURI: Has the Bill received the assent of the Governor-General?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is not for me to reply. I think the Hon'ble President will reply to it.

Free grazing in the reserved and protected forests of Chittagong.

7. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what facilities he has provided for free grazing in the reserved and protected areas of

Chittagong? Has he been pleased to issue any general order directing that no licence would be required for grazing of cattle in the forest areas set apart for the purpose? If not, why not?

(b) Is it a fact that most of the reserved and forest areas being contiguous to neighbouring villages, people living in the villages nearabout these forest areas suffer greatly from havoc caused by wild animals from forest areas on their crops?

(c) What measures have the Government adopted to deforest some areas from every reserved and protected forest range between the villages and the forest areas in order to give relief to the people living nearabout? If not, why not?

(d) Has the attention of the Hon'ble Minister been drawn to the suggestion made by Mr. M. M. Stuart, I.C.S., in paragraph 65 under head "Forest" at page 21 of his "Khasmahal Report, 1938"? If so, will the Hon'ble Minister be pleased to state if he has accepted the suggestion of Mr. Stuart to set apart areas in the foot of the hills for free grazing of animals and for the purpose of a barrier between the villages and the forest proper? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) (i) It is not the policy of Government to permit free grazing in the reserved and protected forests of the Chittagong Division, as unlimited and uncontrolled grazing in forest areas is incompatible with the conservation of the forest.

(ii) Steps are being taken to examine the protected forests with a view to disafforesting the areas containing little or no forest of commercial value and a number of areas have already been disafforested. A committee is to be set up to advise Government as to the best use to be made of the disafforested areas for the benefit of local people, and the question of utilising these lands as grazing grounds will be considered by this committee.

(b) No. It is not a fact that the damage done to crops in villages near reserved and protected forest is excessive. In certain localities damage is done by wild elephants and Government's policy is to keep down the numbers of these animals by *khedda* operations and destruction of those found doing damage. Licences are issued to approved *shikaris* for the shooting of elephants doing damage to crops and professional *shikaris* were entertained last year for the same purpose. The latter scheme will be extended.

(c) It is not the policy of Government to disafforest areas from every reserved and protected forest. The proposal would afford no solution.

(d) Yes. The matter is still under consideration.

Yield of rice.

8. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that a certain officer has been put on deputation to Japan to study the question of the yield of paddy? If so, what is the name of that officer and what was his job before selection? Has he anything else to study in Japan than paddy?

(b) Is it not a fact that of the countries showing best yield in pounds of rice per acre, the Bengal Paddy and Rice Enquiry Committee pointed out that Spain comes first and then Italy, next to which is Egypt, after which comes Japan. If so, will the Hon'ble Minister please state why Japan was selected for the purpose?

(c) Did the Bengal Paddy and Rice Enquiry Committee anywhere in its Report recommend any deputation to a foreign country for studying the question of paddy growth and how to grow more paddy?

(d) Is it not a fact that in Chapter VIII of Volume I of the Report of the Bengal Paddy and Rice Enquiry Committee and in other parts of it, the Committee pointed out the principal ways in which the quality and quantity of paddy could be increased?

(e) Why instead of giving the suggested methods of the Paddy and Rice Committee and the knowledge of the Superintendent a due trial in Bengal, it is thought expedient to incur the expenses of sending a deputationist to Japan?

(f) Will the Government cancel the deputation and recall him? If not, why not?

(g) What was the total cost of the Bengal Paddy and Rice Committee?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) No officer has yet been deputed to Japan to study the question of the yield of paddy, but I would refer the honourable member to the Resolution adopted by this House at its meeting on the 24th November, 1939, and to my statement regarding the action taken by Government on the Resolution which was made in the House on the 11th March, 1940.

(b) The answer to the first part of this question is in the affirmative. With regard to the second part, Japan was selected in pursuance of the Resolution adopted by this House.

(c) No.

(d) Yes

(e) The proposal to depute an expert officer to Japan is in addition to, and not instead of, giving the suggested methods of the Bengal Paddy and Rice Committee a due trial.

(f) As no officer has been deputed or sent, this does not arise.

(g) The cost of the Bengal Paddy and Rice Enquiry Committee and of the Bengal Jute Committee was joint and no separate account was kept of the former. The total cost of the two Committees amounted to Rs.34,800 including travelling allowance of members and witnesses.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that the resolution was passed unopposed?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think so, Sir.

Mr. LALIT CHANDRA DAS: Arising out of (e) and (g) in view of the fact that among other things the total cost of the two Committees amounted to Rs. 34,800, will not the Government be pleased first to give the suggested method of the Bengal Paddy and Rice Committee a due trial before an officer is deputed to Japan to acquire expert knowledge for the purpose of learning how to grow more paddy in a certain area of land?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Adjournment Motion.

Mr. PRESIDENT: The Chair has received notice of two motions for adjournment from Mr. Lalit Chandra Das of which the latter one connected with the Government order prohibiting publication of news relating to the Holwell monument agitation has now been withdrawn by Mr. Das. So there is only one motion which reads thus:—

“This Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation which has arisen out of the recent decision by the Government to the effect that it is the present policy of the Government that when an appointment is reserved for a candidate of a certain community and no suitable Bengali candidate of that community is available, attempts should be made to recruit a candidate of that community from outside Bengal before the appointment is thrown open to candidates of other communities.”

Is it the pleasure of the House to permit Mr. Das to move his adjournment motion?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have objection.

Mr. PRESIDENT: As there has been objection, those members who support this motion that leave be granted to the honourable member will rise in their places.

(Members rose in their places and a count was taken.)

Mr. PRESIDENT: As not less than thirteen members have risen in their seats to support this motion, the Hon'ble Member is informed that he has the leave of the House. Sir Bijoy Prasad, when do you think this matter may be taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This may be fixed for Monday, Sir.

Mr. PRESIDENT: The time for taking up this adjournment motion is fixed at 2-30 p.m. on Monday next.

Felicitations to new members.

Mr. PRESIDENT: Before taking up the Order Paper of the day, I welcome the recently-elected members of this House to their new sphere of work. They are all men having experience of various walks of life to their credit and I doubt not that the Council will benefit from their wise counsel.

It must be a matter of considerable satisfaction to the Hon'ble Members to find the Hon'ble Sir Bijoy Prasad Singh Roy, now a full-fledged member of the Council, occupying the seat of the Leader of the House. Sir Bijoy is not only a parliamentarian of considerable ability but also claims administrative experience as a Minister of the Crown for over a decade. With an experienced parliamentarian like him serving as the connecting link between this House and the Government of the day, it may be confidently expected that all questions affecting the dignity and privileges of the Council will henceforth be tackled energetically and solved to the satisfaction of the members.

Appointment of Committees.

Mr. PRESIDENT: I am to inform the honourable members that the Bengal Legislative Council Procedure Rules prescribe that some Committees are to be appointed by the House and others are to be nominated by me on the eve of each session or in the first session after the commencement of each financial year. But as the election of the Deputy President is to take place on the 2nd August, I have decided to postpone these matters till the election is over.

Bills assented to by the Governor.

Mr. PRESIDENT: I have to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, viz.:—

- (1) The Bengal Finance (Amendment) Bill, 1940.
- (2) The Bengal Jute Regulation Bill, 1940.
- (3) The Bengal Workmen's Protection (Amendment) Bill, 1940.
- (4) The Inland Steam Vessels (Bengal Amendment) Bill, 1940.
- (5) The Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill, 1940.
- (6) The Bengal Agricultural Debtors (Amendment) Bill, 1940.

I am also to inform the House that the Bengal Money-lenders Bill, 1940, as passed by both Chambers of the Bengal Legislature, which was reserved by His Excellency the Governor for the assent of the Governor-General, has been assented to by him in the name of His Majesty the King-Emperor.

Message sent by the Bengal Legislative Assembly.

SECRETARY to the COUNCIL: Sir, I have received the following message sent by the Hon'ble Speaker of the Bengal Legislative Assembly, viz., that the Bengal Legislative Assembly at its meeting held on the 9th April, 1940, agreed to the amendments made by the Council to the Bengal Tenancy (Third Amendment) Bill, 1939.

Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. President, Sir, I beg to lay before the Council the Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940, under section 88(2)(a) of the Government of India Act, 1935.

Bengal Shops Establishments Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to present the report of the Select Committee on the Bengal Shops and Establishments Bill, 1939.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I have the honour to give notice that I desire to move in the current session of the Bengal Legislative Council the following amendment to Khan Bahadur Ataur Rahman's motion that the Bengal Ferries (Amendment) Bill, 1939, be taken into consideration, namely:—

That the Bill be circulated for the purpose of eliciting opinion thereon by the 20th July, 1941.

Sir, as I had no opportunity to give earlier notice to the House, in case the resolution comes up for discussion next Friday, I would request you, Sir, to waive the rule regarding ten days' notice and give necessary permission for me to move the amendment.

Mr. PRESIDENT: Permission given.

NON-OFFICIAL RESOLUTIONS.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I beg to move that: this Council is of opinion that the Local Government should move the Government of India to recruit soldiers from among the Bengalis so as to raise a permanent unit with a view to its incorporation into the Indian Army.

Sir, for the third time in the course of the last decade, it is my pleasant privilege to be able to advocate the cause of Bengal in the matter of military training. Recruitment for the Indian Army has never been done on a liberal basis and since the establishment of British rule in India, Bengal's claim for equal treatment with the other provinces has been sadly ignored. We have cried ourselves hoarse over the legitimacy of our claim for participation in National Defence, but in vain. Never before was the defence problem so acute, so pressing, as it is to-day. The military advisers of the Government seem to forget past history when they characterise the Bengalis as a non-martial race. Their exploits in various fields in the past could do credit to any fighting race in India but unfortunately all this has been lost in oblivion. Years of inactivity and quill-driving have robbed them of their martial instinct. Given the necessary opportunities, they will, I feel sure, prove their mettle when the time comes along with other units of the Indian Army. If the 49th Bengali Regiment had been kept alive and had not been disbanded after the last war, we would perhaps have by now an Army Corps of our own fully trained and equipped with modern armaments. But, unfortunately, Bengal has fallen upon evil days. She is denied her rightful place in all spheres of public activity not only by our rulers but also by the sister provinces. The financial resources of this country are being tapped for the successful prosecution of the war, but it is not money alone that can win the war. Bengal with her vast resources in men and material can be of

immense help to Britain in the grim struggle in which she is engaged at the present moment. The war is no longer confined to any particular area or country. It threatens to extend its zone to territories hitherto unaffected by it. India has so far been free from any turmoil, internal or external. With the entry of Italy into the war and the consequent spread of hostilities to the Middle East, India may be said to be within striking distance of the enemy. One sure proof of this is furnished by the sinking of the "Pathan" some time ago, near Bombay. The position of Bengal is worse still. The recent changes in the Japanese Cabinet and the hostile attitude of the Japanese Press and the people towards Britain furnish ample food for reflection. Japan is out to establish a new Order in East Asia. She is anxious to conclude an unholy alliance with the Axis Powers and to settle her disputes with Soviet Russia. All these unmistakably point to a state of things which is far from reassuring. His Excellency the Commander-in-Chief of His Majesty's Forces in India in a broadcast talk in June last stated that it could not be declared with certainty that India would be immune from attack in future. Both His Excellency the Commander-in-Chief and His Excellency the Viceroy exhorted the people to sink their differences and to unite for the defence of their motherland. Whatever differences may exist between the British Government and Nationalist India in regard to India's right to Self-determination, it cannot be gainsaid that India as a whole is on the side of the Democracies. Members of all the faiths—Hindus, Moslems, Christians, Buddhists and Parsis, have been all praying for the success of the cause for which Britain has taken up arms and the downfall of Nazi Germany and Fascist Italy.

With the exit of France from the theatre of war, the main burden of the struggle has fallen upon the British Empire. India has undoubtedly an important part to play in the effort which all members of the Commonwealth must now put forward. This is a solemn thought which is uppermost in our minds. To quote the memorable words of Mrs. Sarojini Naidu while opening the North Arcot District Political Conference held in June last: "India's destiny is woven with that of Great Britain. The advent of dictatorship through a victorious Germany would be a tragedy of tragedies". In a personal message to President Roosevelt, Dr. Rabindra Nath Tagore in his characteristic style said "To-day we stand in awe before the fearful destructive force that so suddenly swept the world. I deplore the smallness of our means and feebleness of our voice in India so utterly inadequate to stem in the least the tide of evil that has menaced the permanence of civilization. All our individual problems of politics to-day have merged into one supreme world politics which, I believe, is seeking the help of the United States of America as the last refuge of the spiritual Man".

Sir, We in India who are nearly eight thousand miles away from the battle-zone cannot conceive the nature of the devastation which a ruthless enemy is causing in Europe. Although we are feeling the distressing effects of the war, nobody can say when India will be directly involved in it. Then again, Sir, Russia is a dark horse. It is difficult to forecast with any degree of accuracy what the next move of the Soviet will be. The gradual extension of her territories, the non-violent absorption of the Baltic States in the U.S.S.R., the annexation of Bessarabia and a portion of Bukovina are factors of great moment. Stalin's silence is ominous and to my mind it implies his tacit approval of the Nazi methods which have been employed in Europe since September, 1939.

Sir, not only Bengal but India as a whole is defenceless and is unprepared to resist invasion should it at all take place. Our rulers do not seem yet to have realised the gravity of the situation. For, if they were alive to the danger ahead, they would have adopted defence measures long ago and equipped the country's youth to meet any emergency that might arise in future. The indifference of the authorities in this matter is not only criticised by the Indians but also by the "Statesman" which has not been sparing in its condemnation of the Government policy in regard to this country. It is the moral responsibility of Britain to make each unit in the Commonwealth self-sufficient in every respect, in which, at a time of danger, it must be left without external help as has rightly been observed by Mr. Rajagopalachari. Such a policy is the outcome of distrust on which British Indian policy is based.

Sir, however much we may criticise our rulers, India's destiny is inseparably linked with that of Britain. We rise or fall together, but to our regret the British statesmen of the present day do not seem to realise that a contented India is a bulwark against any menace to the British Power. The admission of the Bengalees to military training will be greatly appreciated and Bengal will rise as one man to help Britain with all her might at this critical period of the British Indian history.

It is understood that the distinction between the so-called martial and non-martial races in India has been done away with by the Army authorities in order to fill the quota of one lakh of men needed by the Army expansion scheme announced by His Excellency the Commander-in-Chief. We are told that a decision has been reached already for the formation of a Bengali Battalion of the Indian Territorial Force. We welcome the formation of the Bengal Coastal Battery Corps to be incorporated in the Indian Corps. One Battalion from Bengal will hardly serve the purpose for which it is intended; military training should be thrown open without any restriction in order to enable Bengal to discharge her obligations to the State in all the departments of the modern warfare, namely, on land, sea and air, and when I ask for this

concession, I think I have the unanimous support of all sections of the public of Bengal.

With these words, I commend my Resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that the Local Government should move the Government of India to recruit soldiers from among the Bengalis so as to raise a permanent unit with a view to its incorporation into the Indian Army.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this resolution. I submit this is a very timely resolution. It is very necessary and desirable that people from Bengal should be enlisted in the Army. I understand that committees have been set up in different districts in Bengal to select candidates for the Army. It has been very recently announced that the numerical strength of the Indian Army would soon be increased by one lakh and that Bengal will have a separate unit of her own. This resolution is a move in the right direction and we can show a real depth of public feeling by actual enlistment in the Army.

But there are certain quarters which seem to think that India can obtain her freedom without the help of an army and that if India is given complete independence now, she would maintain that independence without any army, that is, by non-violence. I believe, Sir, these ideas are, to say the least, thoroughly impractical. I have the greatest respect and sympathy for the authors of these opinions. They sincerely and innocently believe that in this world independence can be acquired or maintained without arms. But this is not practical politics. In fact, non-violence, in the event of an armed invasion, is absolutely childishly meaningless. Suppose, one fine morning Russia comes to invade India,—which is not very unlikely,—and if Britain withdraws her support from India, then what would India do? There are sincere patriots who profess to believe that we should offer non-violence, and when that is done—they say—it would by magic paralyse her aggressive instincts and would convert her to non-violence so much so that she would instantly go back without invading India and without robbing India of her independence or her wealth. I submit that this is fantastic in the extreme.

I believe Muhammadans and Christians and recently, some of my more enlightened Hindu friends, have been killing fowls for their food for a long time. These birds offer ideal non-violence to their killers. Still, the propensity to kill them has not abated in the least but, on account of the delicious meat, is on the increase. He-goats are sacrificed by the Hindus at the altar of their Goddess *Kali* from still remoter times. These meek animals offer sincere non-violence. Yet the sacrifice goes

on merrily as ever. Some people are troubled by bugs and mosquitoes. Our wiseacre philosophers would say that in order to stop their blood-thirsty propensities we should offer non-violence. To kill them by spraying Flit or to set up mosquito-nets to bar the activities of the mosquitoes would be the negation of non-violence. Real non-violence from the philosopher's point of view would be to sleep at night in open beds without mosquito nets. If their philosophy holds, the result should be that the mosquitoes would be staggered at our non-violence, would themselves be fully converted into non-violence and would go back quietly home without biting anybody. If these things are possible, then, of course, independence can be certainly and effectively maintained by non-violence. I submit independence can only be acquired or maintained through armed violence. It is only necessary to refer to the well-known and disastrous example of France. An old and civilised nation armed to the teeth and one of the most chivalrous and martial nations of Europe, France has collapsed before superior force, and in the face of this, to talk of non-violence on the battle field would be the height of unwisdom. Now, Hitler stood almost before the gates of England. And if there was no Mr. Churchill, alert and ready to receive him with deadly arms and armaments in deadly determination, Hitler would not have gone back as he has practically done already.

I think these remarks would be sufficient to show that India can obtain freedom and maintain it only through her armed strength and that this resolution is a move in the right direction. I, therefore, wholeheartedly support the same.

Mr. NUR AHMED: Mr. President, Sir, I rise to support this resolution wholeheartedly. I congratulate the honourable mover of this resolution for sponsoring it at a very appropriate time. There is a feeling in the country—a strongly-resented feeling—that we Bengalees are dubbed as being non-martial, but if we go back to the period before the advent of British Rule in Bengal, what do we find? We find that Bengalees were a martial race which used to fight courageously to defend their own hearths and homes with full valour and spirit. But unfortunately, it was a part of the policy of the early British Rule to deprive the Bengalees of their martial spirit, and this was done by issuing a circular that no Bengalee should be taken into the Army. Mr. Hunter in his book describes in a very pitiful language how the Indian Moslems were shut out from the Army,—a service was most attractive and most lucrative for Moslems at that time especially for the sons of the aristocracy and the landed proprietors. This suicidal policy of shutting out Moslems from the Army brought ruin upon that great community. There is no earthly reason why the Bengalees, who have proved their worth and merit in every walk of life, should not shine in this sphere also. Sir, there is another patent fact, and it is

a proved fact before the world, that the sons of Bengal are exploring every corner of the world as sailors; they have given proof of their valour and never shrank from fighting the King's battle. There is no reason, therefore, why the Bengalees would not rise equal to the occasion and prove their worth in the Army.

Sir, with these few words, I wholeheartedly support the resolution.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Mr. President, Sir, I consider it a privilege to support the resolution which has been moved by my friend Rai Bahadur Keshab Chandra Banerjee. Nothing has been more galling to the pride of the Bengalee people than that they have been so far debarred from the Army and from the privilege and right of defending their country against either external attack or internal disorder.

The people of Bengal, Sir, have never been reconciled to the atrocious theory of so-called martial races. To us this theory has appeared as only a convenient method of favouring some and ignoring others. I can never believe that the people of our province will acquit themselves less creditably as soldiers than people elsewhere in this country. During the last War, the Bengalees had an opportunity of proving their mettle and their honour. This opportunity they utilised to the satisfaction of all. It has certainly been a source of mortification to us that after the War their services were no longer required in the Indian Army.

I may repeat, Sir, that military service is a privilege which cannot be confined, without grave injustice, to some and denied to others. It should be remembered that the expenses of Indian defence are as much met by us as by others. It is, therefore, in the fitness of things that all those who pay for the piper should have the right to call for the tune.

The Bengal Cabinet, Sir, has a considerable responsibility in this matter. It is not too much to expect that it will convey to the Government of India, with as much emphasis as the subject may demand, the opinion of the people of Bengal in regard to the system of military recruitment in this country. The Ministers, whatever differences there may be between them and us in other respects, are expected to see eye to eye with us in this all-important matter. I am certain they will faithfully represent our views to the Government of India.

With these few words, Sir, I give my whole-hearted support to the resolution moved by the Rai Bahadur.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know where to begin so far as this resolution is concerned. First of all, the responsibility of the local Government in this matter is to a very large

extent debatable, because the defence of India and all questions connected with the Army, Navy and the Air Force are under the control of the Government of India, the Provincial Government having no say in the matter. Therefore, representations from Bengal, in my opinion, should be made through their accredited representatives in the Central Legislature, viz., through the members of the Central Assembly and the Council of State. Whatever steps the Government of Bengal may take, they may do so by virtue of their relationship with the Government of India; but it is extremely debatable, Sir, how far we are responsible to the House in this matter. But in any case, I am glad to state that owing to the efforts made by Government and the considerable assistance which we have received from His Excellency the Governor, the principle has been recognised and the Army headquarters have agreed that a battalion of territorial force would be recruited from among the Bengalees for the duration of the War. Furthermore, as you may have read in one of His Excellency the Governor's speeches that the question of increasing the strength of the battalion or adding to the battalion other battalions would depend upon how those Bengalees acquit themselves. Therefore, to a very large extent this question has already been solved, and satisfactorily solved. Now, in my opinion it is our duty to see that we supply men who will be a credit to Bengal and the Bengal battalion. It is our duty to see that we do not make the mistakes that we made last time in recruitment. The assistance of all the members of this House, of all communities, creeds and castes, is necessary in providing the right type of men who will be able to serve in the Army and who will be able to hold their own with the units of other battalions. In this connection, I would like to observe that any assistance that may be rendered to the committees that will be appointed for obtaining recruits will be most welcome by Government.

Sir, I have got nothing further to add. As far as the debate is concerned, according to the usual practice, it will be forwarded to the Government of India.

Mr. HUMAYUN KABIR: Mr. President, Sir, there are two points in the speech of the Hon'ble Home Minister which deserve some consideration. The first is with regard to the form of the resolution. This resolution does not hold the present Government responsible for the fact that there is no Bengalee regiment or army. It only requests the local Government to move the Government of India, and we are glad to learn from the Hon'ble Home Minister that the Government have already moved in that direction, and if we have any quarrel with him on that score, it will be only for the reason that this Government has not been as forward or as quick as we might have expected. So, on that first point, there is no reflection whatsoever on the present

Government, but it is a request that the local Government should move the Government of India, and I think that on this point there will be no objection from the side of Government also.

Then, there is the other consideration that it is primarily a matter which is the responsibility of the Central Legislature. But I think, Sir, that with the inauguration of Provincial Autonomy the responsibility of the local Government has increased in this matter. So long as you have a Central Government which is autocratic and centralised, which is not federal in form, it does not matter very much where soldiers are recruited from; but the moment you contemplate a federal form of Government—and to-day there is nobody in India who can think of any other form of Government than federal—this question of recruitment from the different units becomes one of the most important questions with which we have to deal, and here I think, Sir, as the representative of this province, as the executive head of this province, there is a very serious responsibility on the local Government to press upon the Government of India to recruit Bengalees in large numbers, and not only to form a battalion for use as a territorial force during the course of the war. Sir, one of the tragedies of British history throughout has been that it has always been half-hearted, vacillating and pusillanimous in its attitude to India. It has always been a little too late. It has given a half loaf when perhaps a full loaf was necessary, and it has offered a full loaf where probably a bunchful of loaves would not suffice to satisfy the hunger of the people. Again and again, British policy has been a little too late, a little too vacillating, and a little too half-hearted. Here also, with regard to the particular question of the defence of India the same thing applies in a very strong manner. I do not want to reiterate what different members have said, though there are one or two remarks of my honourable friend the Khan Bahadur which deserve some comment. He unfortunately mixed up non-violence and non-violent resistance into which I need not go, but the particular argument which he advanced from the fate of France did not justify his own conclusion, but if anything, perhaps added strength to the contention of those who differ from him in principle. But this is by the way, and we do not propose to enter into that discussion in detail.

The question is that if India is to be defended, it should be defended properly and effectively and for that purpose we require an army not merely of one lakh of men on the basis of territorial units. Bengal cannot be satisfied with the recruitment of only one territorial unit, and even that on a temporary basis, as if we are a set of bad boys and have got to prove our capacity first. We have to prove first our *bona fide*, and if we pass the test, we shall be looked upon as good boys and then we shall be given certain prizes. Some of the members have raised the question of distinction between martial and non-martial

races. It is a distinction which is entirely artificial; it is a distinction which has been created, and if we look into Indian history we find that this distinction has been created stage by stage. At one time the Telingis and the Bengalees constituted the major portion of the Army which the Britishers recruited in India and with the help of which they conquered, or at any rate interfered in the internal quarrels of the native rulers and by doing so succeeded in acquiring large tracts of territory. But with the increase of political consciousness and with the increase of education in those areas, these were declared to be non-martial races, because the British Government felt that if these people had arms, people who had political consciousness, those men might turn against the British power in India. Consequently the centres of recruitment were shifted from those regions to regions where there was less education and less political consciousness. Thus, the centre was shifted from Bengal to Bihar. The Bihar Brahmins and Mussalmans for a long time constituted an important section of the Indian Army, but as education spread further west and Bihar became more politically conscious, the recruitment there was stopped or almost stopped and shifted to the regions of the United Provinces and the hill tracts like Garhwal. But as political consciousness increased there also, again recruitment was further shifted and new regions were explored for the purpose.

The Hon'ble Khwaja Sir NAZIMUDDIN: Do you mean to say that the Punjab is the most uneducated province in India?

Mr. HUMAYUN KABIR: Sir, I do not want to make any reflection on any province, but certainly the general tendency has been to use for the purpose of recruitment those provinces in which there has been less political consciousness and this has led to the general shifting of the centres of recruitment from regions which had become politically more conscious. Calcutta had been the political Capital of India for a long time with the consequent heightening of its political consciousness. The history of India bears out sufficiently that the distinction between the martial and non-martial races in India is absolutely arbitrary. In Bengal's history we find that the Hindus had fought against the Pathans for a long time; the Pathans fought the Moghuls for equally long. We find one group fighting against another; we find the local chiefs fighting against the mighty power of the Moghuls even long after the period when the co-called martial races of the Punjab and Rajputana had been subjugated. It is within the knowledge of history that Bengal has given more trouble to the Emperors of Delhi than any of the other provinces; there had been more military resistance in Bengal than anywhere else in India against the Moghul conquest, and this equally applies to the Mussalmans and Hindus of Bengal. Therefore, to say that the Bengalees are not a martial race is a sheer travesty

of facts. This distinction between the martial and the non-martial races has been perpetrated only because the Government was so long not a responsible Government; because the form of Government was bureaucratic and foreign in its temper and character; but to-day with the advent of provincial autonomy the Government has been entrusted to responsible Ministers who are the children of the soil and it is up to them to see that this slur on the capacity of the Bengalees generally, without any distinction of caste, creed or religion, is removed. Another important consideration is that in a federal form of Government, if a particular provincial unit is not retained in all the different forms of the national service, viz., the Army, the Executive and other forms of service, that province is deprived of its share in the proper functioning of the national Government which is its rightful due. For these reasons, Sir, I submit that the local Government have a duty in the matter, even though they may not have a direct official responsibility.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I confess at the outset that the reply of the Hon'ble Minister leaves me cold. When I moved the resolution, I thought that the Hon'ble Minister would jump on his feet and give a sympathetic reply. It is not the first time that a resolution of this nature has been moved. Similar resolutions were moved in the past, and on the last occasion also, the Hon'ble Minister's reply was far from encouraging. As a son of Bengal and a responsible Minister of the Government he should realise his responsibility in this matter. We all know that the Government of Bengal is not directly concerned in matters relating to the Army. But if Bengalees were to voice their opinion in any matter, how would they do it unless they had a resolution passed in the legislature? The Hon'ble Minister has said that Bengal representatives on the Central Assembly might take up the subject. But I may at once tell him that the number of Bengal's representatives on the Central Legislative Assembly or on the Council of State being very small, it is next to impossible for them to carry any resolution without the support of the representatives of other provinces; and as you know, Sir, the feeling against Bengalees there is very strong and the non-Bengalees are apathetic to our problems, it is but natural that they would not feel any enthusiasm in supporting a resolution in which they are not at all interested.

Now, Sir, the Hon'ble Minister has stated that the purpose of this resolution will be served by a recent declaration made by the Army Department of the Government of India sanctioning the formation of a Bengalee battalion and that recruitment centres have been opened in different districts. In the course of my speech I made it perfectly clear that although the Central Government have made this concession, it does not go far enough. Our needs are many. We require not a battalion but an Army Corps for the defence of our country.

The Hon'ble Khwaja Sir NAZIMUDDIN: Who will pay for it?

Rai KESHAB CHANDRA BANERJEE Bahadur: A cut of 50 per cent. on the salaries of the Hon'ble Ministers will be imposed to form the nucleus of a fund for the purpose. (Laughter.)

Sir, as I have already said, Bengal is not free from the danger of foreign invasion. Italy has already joined the war and Japan shows her anxiety—

Mr. PRESIDENT: Order, order. Rai Bahadur, I do not want to interrupt you; but you are making a reply and in doing so you must not bring in any new point which has not been brought in by any previous speaker.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I am trying to develop my arguments on the points raised by the Hon'ble Minister. I am grateful to Mr. Humayun Kabir for the way in which he has clarified the real issue. I was going to advance the same argument but he has forestalled me. What is needed at the present moment is not indifference but close co-operation and active assistance. I would request the Hon'ble Minister not merely to forward this resolution for the consideration of the Central Government but to strongly recommend the proposal so that the Government of India may realise the importance of the question and the genuine craving of the people of Bengal for military training.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in this connection I may be permitted to refer to a piece of information which though I do not possess officially, I saw in some newspaper yesterday or a few days ago, namely, that the Government of India in making recruitment to the Army are not confining themselves only to the martial races but are going to make their selection from the whole of India. Now, as far as the question of special treatment for Bengal is concerned, I beg to submit that if Bengal really wants an Army of its own and is prepared to pay for it, then, I am afraid, we must have to give effect not to the federal scheme of Mr. Humayun Kabir but to the scheme of Mr. Jinnah. For the present, however, the question is that India as a whole has got to be considered, India as a whole has got to pay for the Army and, therefore, the Government of India have got to select the men and materials. Wherever they get the best men, they should take them. There is no reason why, when they have to pay for it, they should take inferior material. In this matter, the Army people, who are at present choosing these people or those who are going to be in charge of the Army in future, will always have their discretion to make their own selection. It has just been said that in

the Government of India we are in a minority and that there is already a prejudice against the Bengalees. It is admitted that as far as all-India affairs are concerned, whether it be the Central Assembly or the Congress, the Bengalees do not get fair treatment. Nobody can deny that. Even in the Muslim League the position is the same. Therefore, it is idle to expect that in a federal scheme it will be possible to secure concession for the Bengalees in preference to the Punjabis and the people of the North-West Frontier Province.

Mr. LALIT CHANDRA DAS: But, Sir, in a mechanised army Bengalees can be expected to prove themselves better than the people of any other province.

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be true, because brain and brawn do not generally go together. As a matter of fact, so far as the flying officers are concerned, I have it from Sir Sikander Hyat Khan that Bengalees are better than men of any province in India. Even compared with the Europeans, Bengalees are proving themselves as excellent flying officers. We have also found that Bengalees are doing good work in other spheres as well. But there are difficulties which I have explained before the House. Sir, I am at one with the honourable members of this House in their interest and desire to see that Bengal gets a fair treatment as far as recruitment to the Army is concerned. This Government, as I have already said, have made their representations to the Government of India and in this matter His Excellency the Governor has taken up the cause of Bengal most wholeheartedly and has done everything in his power to see that Bengal gets justice. But I do feel that the position being as it is, at the present moment we must be thankful even for the meagre recognition we have got. The prejudice of the Army headquarters and of the Government of India against the Bengalees is so great that we shall have to push forward our claims by persistent demands for some time to come.

Mr. PRESIDENT: Order, order. Resolution before the House is: that this Council is of opinion that the Local Government should move the Government of India to recruit soldiers from among the Bengalees so as to raise a permanent unit with a view to its incorporation into the Indian Army.

(The motion was agreed to without any dissentient.)

Mr. LALIT CHANDRA DAS: Sir, in view of the fact that the Hon'ble Chief Minister has already announced that the Government have decided to remove the Holwell Monument immediately, the resolution which stands in my name has become superfluous and so I do not move it.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that this Council is of opinion that the Government of Bengal should make a representation to the Government of India either to grant to Bengal the entire jute duty-proceeds realised from the province of Bengal or to make an equal annual contribution from the revenues of the Central Government to the Government of Bengal with a view to enabling the Government of Bengal to introduce universal free and compulsory primary education in Bengal.

Sir, I think this resolution is self-evident and needs no speech from me. The honourable members of the House are well aware of the pitiable condition with regard to education in Bengal from the Hartog report and the report on education published by the Government of India and the Government of Bengal. Fortunately, this matter has been gone into by a committee and that committee has published its report containing some suggestions. One of the suggestions has been embodied in the resolution I have now brought it before the Council, and in support of that I will only very briefly state the reasons which ultimately led the members of that committee to arrive at this conclusion. It is a known fact that a great injustice had been done to Bengal by the Meston Award, and although to some extent that injustice was righted by the Niemeyer Award, still Bengal has been deprived of a major portion of its income. Bengal's approximate income through jute and other sources comes to about 35 crores or 40 crores of rupees, while only 11 crores have been given to her which is absolutely insufficient to meet the growing demands of her vast population.

As the time at my disposal is very short, I do not want to dwell on the matter at any length. I only hope and trust that the members of the House will support the resolution unanimously.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that the Government of Bengal should make a representation to the Government of India either to grant to Bengal the entire jute duty-proceeds realised from the province of Bengal or to make an equal annual contribution from the revenues of the Central Government to the Government of Bengal with a view to enabling the Government of Bengal to introduce universal free and compulsory primary education in Bengal.

Mr. HUMAYUN KABIR: Mr. President, Sir, I am sure that this is a resolution about which, like the one which we have just now disposed of, there will be no difference of opinion in this House. There is perhaps no member in this House, or at any rate we expect that there will be no member in this House who will oppose this resolution, and even though just now I seem to find indications that there might, from an unexpected quarter, come some opposition to this resolution,

I am sure that before we have done with it and before the House has discussed it thoroughly, this suspicion of opposition will die out, and it would be nothing more than a mere suspicion. The proposal, Sir, is on the face of it just. Bengal contributes to the exchequer of India in many ways, of which the proceeds of jute-duty is only one; and since, at any rate, the amount of jute-duty which is derived from the produce of Bengal is a contribution by the cultivator of Bengal to the exchequer of India, it is meet and proper that he should get a proper return for it. I take it that the mover of the resolution does not imply by his resolution that the share of the jute-duty proceeds arising out of the jute-duty proceeds in Assam or Orissa is also to be given to Bengal. I take it that his intention is that the proceeds of the jute-duty so far as it relates to the jute produced in this province is his concern, and on this question, I think, Sir, there will be no difference of opinion in this House. If there were not this jute-duty, the cultivator would have secured a better price for his jute, for it is common-sense that when a consumer has to purchase the jute, he has got to pay the duty, and he is not going to pay it out of his own pocket; and because there is the jute-duty, the price of jute has decreased to that extent. Therefore, Sir, in that way it is a direct drain upon the resources of the cultivator in Bengal. The cultivator in Bengal is proverbially poor and his only money crop is jute. Even with regard to this money crop, he does not get the price which he would perhaps otherwise normally expect, because this tax is borne by the producer, not by the consumer. Therefore, Sir, it is in the fairness of things that this tax should come back to the producer in the shape of returns which the Government might give him in the form of universal free and compulsory primary education.

With regard to the question of universal free and compulsory primary education, there is no difference of opinion in any section of the House. I think on this point there will not be even any suspicion of opposition from any section of the House. But, Sir, there may be one objection which might be raised that if the entire jute-duty proceeds is to be given to the Government of Bengal, it might affect in certain ways certain other commitments of the Central Government and also perhaps the Government of Bengal. There is the Calcutta Improvement Trust which might perhaps be brought up. But I think, Sir, it is on the face of it inequitable that the cultivator of Bengal should be taxed and should be deprived of a fair price in order that the City of Calcutta should be beautified. We all want that the City of Calcutta should be beautified, but that is no reason why the cultivator of Bengal shall be deprived of what is his due in order to beautify this city, and particularly on account of the fact that in this city there are interests, there are groups, there are classes who can pay for the improvement which they claim for the city.

Then again, Sir, there is the question with regard to the Central Government. The Central Government takes the wealth of Bengal in many ways. The total income-tax collection from Bengal is probably the highest in India, and yet in spite of this the return which the Government of Bengal get from the income-tax realisations of the Government of India is very small. It is common knowledge and the Government of Bengal is also continually complaining that it cannot go forward with many of its constructive programmes, with many of its nation-building activities on account of lack of funds. Bengal, the most populous province in India, Bengal, with its greatest potential resources and with its greatest potential wealth, is also the greatest contributor to the exchequer of India. If we take all the contributions from the provincial exchequers and add them to find the realisation of the Central Government, the share of Bengal is perhaps the largest of all. Through customs, through income-tax, in every way Bengal contributes, and yet it is not asking for the return of the entire amount because Bengal realises that there are certain all-India services, there are certain all-India commitments which must be maintained. But with regard to jute, the position is different. It is the peculiar product of Bengal and it represents the sole money crop of the Bengal agriculturists, as I submitted a moment ago, and the need for education is a need which cannot be denied by anybody. Therefore, Sir, in view of these considerations, namely, that it is the only money crop, that it is a contribution which the province of Bengal is making for the maintenance of services elsewhere and for the City of Calcutta, and that it is a contribution which the cultivator is making though he himself lacks the services which are essentially necessary for him in his personal and communal life, it is meet and proper that the Bengal Government should represent to the Central Government that the entire jute proceeds might be given to the local Government.

There is also one other point to be remembered in this connection. Four or five years ago, I think it is five years ago, the Central Government agreed for the first time to grant a portion of the jute-duty proceeds to the Government of Bengal. Before that also arguments were continually raised as to why Bengal could not claim any share of the jute-duty proceeds. But the moment the Government of India conceded that Bengal was entitled at least to half, which was later increased by the Neimeyer Award to 62½ per cent., if I remember aright, the principle has been conceded. It is only a question of amount and I am sure the Government of Bengal will put all influence that they can exert upon the Government of India in order to get this money for Bengal and to give it that one service which is perhaps to-day the most crying need of Bengal, viz., universal free and compulsory primary education in Bengal. It is common knowledge that unless

this jute-duty proceeds in whole or at least a major portion of it is given to Bengal, we cannot find the finances for it. We have always stood for universal free and compulsory primary education, and we still stand for it and we think that even with the present resources of the Government of Bengal by proper adaptation of its budget, it might be possible to introduce free compulsory primary education in the province; but if the entire jute-duty proceeds be given to Bengal, then there is no difficulty about it, and even the present Government which has always shirked this question, which has always fought shy of facing it openly and squarely, will have no further excuse for delaying the settlement of the question of free compulsory primary education in Bengal, and that is a task which is the most important in Bengal to-day.

*** Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Sir, I rise to support the resolution wholeheartedly and in doing so I quote a few comparative figures to show how injustice has been done to Bengal in the matter of contribution to Central Government. Sir, from the comparative figures we find that whereas Bengal contributes 26 crores 77 lakhs, Madras contributes 7 crores 67 lakhs, the United Provinces 4 crores 22 lakhs, and the Punjab 1 crore 1 lakh; and whereas Bengal is left only with 10 crores 97 lakhs, Madras is left with 17 crores 53 lakhs and Bombay is left with 15 crores 22 lakhs, although the population of these provinces is far less than that of Bengal. Sir, this great wrong done to Bengal will be partially righted, if the entire jute tax is contributed by the Central Government to Bengal for its primary education. Sir, the primary education problem has been hanging fire for a long time in Bengal. It was originally estimated that a crore and a half will be enough to give a start to free primary education in Bengal. But, Sir, since then a committee was instituted and the committee has given its report from which it appears that 3 crores 80 lakhs or something like that will be required if Bengal is to have its free primary education.

Sir, it will be impossible for Bengal to arrange for the additional amount of Rs. 2,30,000 out of its own funds. If the Government of India do not come to its rescue it would be next to impossible for Bengal to have free primary education as is contemplated. Therefore, I think it is apt and proper that the Government of India should be requested that in view of the injustice done to Bengal, Bengal should be given the full amount of the jute tax contributed by Bengal.

With these words, Sir, I wholeheartedly support the resolution.

Mr. BANKIM CHANDRA DATTA: Sir, we on this side of the House wholeheartedly support this resolution.

Mr. J. B. ROSS: Sir, we the European Party in this House, oppose this motion but we oppose it for reasons connected with the drawing up of the motion. We have every sympathy with the idea which is in the mind of the mover but the manner in which this resolution has been drawn up means that if it were forwarded to the Government of India it could not be implemented. We have sympathy with the introduction of free primary education in the province, but this requires a tremendous amount of money and the fact has to be faced that there is on the statute book at this moment a Rural Primary Education Act which is not being enforced because of the scarcity of funds. We in this group would like to see the other half of the jute-duty remitted by the Government of India for the benefit of the revenues of this province, but I do not think that we have any right to ask the Government of India to give up that half of the jute-duty for a specific purpose nor do I think that we can possibly ask the Government of India to give us a contribution from the Central revenues for the benefit of free primary education in this province because it is not within their power to do so; and if they did it, there would be demands from every other province for the same kind of treatment. Therefore, our opposition is based not on any opposition to the ideas of the mover but merely because we think that the resolution, as drafted, could not possibly be implemented and, therefore, should not be forwarded to the Government of India.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 29th July, 1940.

Members absent.

The following members were absent from the meeting held on the 26th July, 1940:—

- (1) Mr. Narendra Chandra Datta.
- (2) Mr. Kamini Kumar Dutta.
- (3) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (4) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (5) Khan Bahadur Muhammad Asaf Khan.
- (6) Dr. Radha Kumud Mookerji.
- (7) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 29th July, 1940 at 2-15 p.m. being the second day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Establishment of Senior Madrassahs for Muslim girls.

9. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if his attention has been drawn to various resolutions passed by the All-India Moslem Educational Conference held in Calcutta during last Christmas holidays regarding various needs of the Moslems in matters educational?

(b) If so, what are those resolutions, and how far does the Government intend to give effect to them or to any of them? If not, why not?

(c) Is it a fact that a resolution recommending establishment of two Senior Madrassahs for girls—one at Chittagong and one at Dacca—was adopted at that Conference? If so, what steps has the Government taken or intends to take to establish a Senior Madrassah for girls at Chittagong?

(d) Will the Hon'ble Minister be pleased to state how many Madrassahs have been started in Bengal for the education of girls up to this time, and of these how many are Junior Madrassahs and how many are Senior Madrassahs and how much does the Government spend a year for their maintenance?

(e) Will the Hon'ble Minister be pleased to state what is the total number of vernacular training schools for Moslem girls in Bengal and how many girls were trained in these institutions in the years from 1930 to 1939?

(f) Is it a fact that the Government has decided to start a Bengali Training School for girls at Chittagong? If so, when will the school actually be started at Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department): (a) This Department has not been furnished with copies of resolutions of the Conference in question.

(b) and (c) The questions do not arise in view of the reply given to clause (a) above.

(d) (i) 21 Junior Madrassahs.

(ii) There is no Senior Madrassah for girls.

(iii) Rs. 22,308 during 1939-40.

(e) There is one Bengali Training School exclusively for Muslim girls in Calcutta where provision has been made for 28 students to be trained with stipends from Government.

A statement showing the number of Muslim students trained in the school during the years 1930-1939 is enclosed herewith.

(f) The matter is under consideration.

Statement referred to in the reply to question No. 9 showing the number of Moslem students who were trained in Muslim Female Training School, Calcutta, during the years 1930-39.

Year.	Number of students who came out successful.		
	Senior.	Junior.	Total.
1930	4	4
1931	3	3
1932	2	2
1933
1934	4	4
1935	4	4
1936	7	7
1937	9	9
1938	.. 2	8	10
1939	6	6
Total	.. 2	47	49

Introduction of a Bill to amend the Bengal Wakf Act, 1934.

10. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:

(a) Will the Hon'ble Minister in charge of the Education Department kindly refer to his reply to question No. 39 which was given on the 12th August, 1938, regarding introduction of a comprehensive official Bill for amending the Wakf Act and kindly say whether the Bill which was promised to be introduced during the August session of the Council in 1938 is ready now?

(b) Will he kindly state why nothing was done to redeem the promise within these two years?

(c) Will he kindly state definitely what stands in the way of immediate introduction of the promised Bill?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): The proposed official Bill to amend the Bengal Wakf Act, 1934, is intended to include provisions of great importance and its preparation involves a careful examination by experts of the various difficult problems that have been arising in connection with wakfs and their administration.

I can assure the honourable member that I have been doing every thing possible in my power to expedite the introduction of this Bill which I hope to be able to do in the near future.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state when we can expect the Bill to be introduced?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as soon as we can finish drafting and get an agreement on the main principles of the new Amendment Bill, it will be introduced. As the honourable member knows, it is an extremely controversial subject where religious questions are mixed up. So, we have got to have a Bill which will remove the administrative difficulties experienced in the operation of the existing Bill, and at the same time will not come into conflict with the religious aspect of the wakfs.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that it was promised that it will be introduced in August, 1938—two years ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: Quite true; but, Sir, I may point out to the honourable member that apart from Bengal no other province has yet been able to have a Wakf Bill passed through their Legislature in spite of repeated attempts on the part of the Legislatures of the other provinces to get a Bill through.

Maulvi ABUL QUASEM: Is the Hon'ble Minister aware that the United Provinces Legislature has already passed a Bill relating to wakfs which is now being worked?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am not aware of it but I know this that they have been trying it for the last four or five years.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Was any meeting or conference called for discussing this controversial matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far, I believe the discussions have been confined between the Commissioner of Wakfs and the Education Department.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any draft Bill was prepared as a basis for such discussion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe a draft Bill or rather proposals were put forward by the Commissioner of Wakfs, I mean the predecessor-in-office of the present Commissioner.

Provision for evening commercial classes in the Islamia College, Calcutta, and Chittagong College for the training of Muslim youths.

11. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state what facilities exist at present in Bengal for training young Bengalis for commercial careers?

(b) What measures have the Government of Bengal taken or propose to take to provide adequate facilities for theoretical, commercial and technological training of Bengali youths?

(c) Is it a fact that the number of Muslim young men taking to commercial training is very small? If so, do the Government propose to attach evening commercial classes to the Islamia College, Calcutta, and to the Chittagong College for the benefit of Muslim young men of Bengal? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (a) There is in Calcutta a Government Commercial Institute which provides training for commercial careers in day and evening classes. The total number of students of the Institute last year was:—

(i) in day classes 307; and

(ii) in evening classes 226.

There are in addition some forty institutions in the Province working on similar lines, the courses of studies of which are approved by the Department of Public Instruction and the students of which take the examinations of the Government Commercial Institute. The number of students reading in these institutions is not available.

(b) The question is a wide one and not easy to answer exactly. Government have appointed two committees, one of which is considering the development of the Government Commercial Institute and the other the development of the Ahsanullah School of Engineering at Dacca. Government have also under examination an important memorandum on the subject by the Educational Commissioner with the Government of India compiled after an enquiry which this Government asked him to make.

(c) The number of Muslim students in the Commercial Institute, Calcutta, last year was—

(i) in day classes 48; and

(ii) in evening classes 15.

It is not possible to give the number of Muslim students reading in institutions affiliated to the Institute. There is a reservation of 25 per cent. of the seats for Muslims in the Institute. No qualified Muslim candidate has been refused admission into the Institute during recent years.

Until the future development of the Government Commercial Institute has been decided, it is not proposed to start evening commercial classes either at the Islamia College, Calcutta, or at the Chittagong College.

Recommendations of Mr. M. M. Stuart, I.C.S., in the Khas Mahal Report, 1938.

12. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if he has considered the recommendations of Mr. M. M. Stuart, I.C.S., as contained in his "Khas Mahal Report, 1938"? If so, which of these recommendations have been accepted by Government and which of them have not been accepted?

(b) Have the Government given effect to Mr. Stuart's recommendations regarding reduction of rent, collection of rent and modification of certificate procedure and remission of rent? If not, why not?

(c) Is it a fact that in the district of Chittagong the Sunset Law, i.e., the Revenue Sale law, is still being applied in realising rent and revenue of holdings bearing annual rent of Rs. 50 upwards in all cases though there is no widespread, systematic and wilful default?

(d) Is it a fact that some years ago the *Punyah* system was successfully tried in Chittagong for collection of *Khasmahal* rent and Government revenue? If so, why has it been abandoned? Do the Government intend to reintroduce it in Chittagong to check corruption, if any, among the *Khasmahal* staff?

(e) Is it a fact that the estates and holdings in Chittagong are being put to sale even for one or two *kiats*, or for one year's rent, to the great suffering of defaulting proprietors? If so, does the Hon'ble Minister propose to relieve these defaulting proprietors in Chittagong by issuing a general order that no estate or holding should be sold for not less than two years' arrears and that also after giving sufficient facilities to the tenants to clear off their dues?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) and (b) Most of the recommendations have been considered. Action has been taken on some of them and others are being considered by Government.

(c) The law is being applied to those bearing an annual rent of Rs. 50 or more. That defaults should be widespread, systematic and wilful is not a condition precedent to the enforcement of the law.

(d) No.

(e) The law is being administered leniently and deserving cases are exempted from sale. Government do not propose to take action in the manner suggested.

Election of President of the Tilli Union Board.

13. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that in the appeal by the appellant defendant No. 1 Golam Mortuza Moulik against the decision of the District Judge of Dacca, affirming that of the Munsiff at Manickganj, in a suit brought by the plaintiff respondent Munshi Maniruddin Ahamad, Mr. Justice Henderson upheld the decisions of the lower courts declaring the plaintiff respondent Munshi Maniruddin Ahamad as the duly elected President of the "Tilli Union Board" lying within the Manickganj subdivision of the Dacca district?

(b) Is it a fact that the Circle Officer presided over the meeting for election of the President? If so, what is the name of that Circle Officer and how long is he in office?

(c) Is it a fact that the plaintiff respondent Munshi Maniruddin Ahamad obtained six votes in the meeting for election of the President and the appellant defendant No. 1 Golam Mortuza Moulik got the remaining three votes? Is it a fact that the former is a member of the Krishak Proja Party and the latter is a member of the Moslem League Party of that locality?

(d) Is it a fact that Hon'ble Mr. Justice Henderson held that after the votes were recorded, the Circle Officer on most flimsy grounds

ignored three of the votes given in favour of the plaintiff pretending that each candidate had an equal number of votes and proceeded to give his casting vote in favour of defendant No. 1?

(e) Is it a fact that the Munsiff as a matter of fact found that the Circle Officer was acting in collusion with the aforementioned Golam Mortuza Moulik, defendant No. 1, and that Mr. Justice Henderson upheld that finding as fully justified?

(f) Do the Government intend to take action against that Circle Officer? If so, what? If not, will the Government be pleased to state the grounds for not holding up that officer to punishment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): Steps have been taken for collection of the information which is not yet available.

Mr. LALIT CHANDRA DAS: May I take it, Sir, that when the information is collected, answer will be given without a fresh notice?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Extension of date for presentation of Select Committee Report on the Bengal Legislative Council (Powers and Privileges) Bill, 1939.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, with your permission, I beg to move that the date for presentation of the report of the Select Committee on the Bengal Legislative Council (Powers and Privileges) Bill, 1939, be extended to November 15th next. I may state by way of an explanation that it has not been possible for me to take up the work so far on account of some unavoidable circumstances.

Mr. PRESIDENT: Motion moved: that the date for presentation of the report of the Select Committee on the Bengal Legislative Council (Powers and Privileges) Bill, 1939, be extended to the 15th November, 1940.

(The motion was agreed to.)

Special motion on amendments to Bengal Motor Vehicles Rules, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that this Council is of opinion that the Government do now take steps to amend the Bengal Motor Vehicles Rules, 1940, by incorporating therein the amendments noted below.

54 AMENDMENTS OF MOTOR VEHICLES RULES. [29TH JULY,

Mr. PRESIDENT: Motion moved: that this Council is of opinion that the Government do now take steps to amend the Bengal Motor Vehicles Rules, 1940, by incorporating therein the amendments noted below.

I do not think it is necessary to read out the amendments which cover twelve pages. The papers have been circulated to all the members.

Mr. Nur Ahmed, do you move your amendment with regard to rule 2?

Mr. NUR AHMED: No, Sir.

Mr. HUMAYUN KABIR: On a point of information, Sir. Will not the Hon'ble Minister move the amendment with regard to rule 2 first, and then the other amendments may be moved?

Mr. PRESIDENT: He has moved all the amendments by his first motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I make a statement on this before a discussion is started?

Mr. PRESIDENT: Yes; Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to mention before the House that these Motor Vehicles Rules were discussed at the joint conference of the representatives of the Assembly and the Council in accordance with resolutions passed in this House and the other House. I may state further that we went into this question most thoroughly. We had a number of meetings—I believe 11—and every rule was gone into most carefully, after which I am glad to state that we have been able to come to unanimous decision on practically all the rules. It is only on one question, however, that the members of the Opposition of this House and the other House differed from the rest. But as regards the other two questions, there was only one dissentient, namely, Mr. Lalit Chandra Das. It is an individual dissension which has not been supported by any other member. Now, Sir, in view of the fact that we have gone into the question so carefully and thoroughly and in view of the fact that representatives of all the groups were of the opinion that as far as possible the rules should be accepted, only those cases may be raised here in regard to which there are some technical or really serious difficulties—

Mr. PRESIDENT: Order, order, it is now time for taking up Mr. L. C. Das's motion for adjournment of the House.

Adjournment Motion.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation which has arisen out of the recent decision by the Government to the effect that it is the present policy of the Government that when an appointment is reserved for a candidate of a certain community and no suitable Bengali candidate of that community is available, attempts should be made to recruit a candidate of that community from outside Bengal before the appointment is thrown open to candidates of other communities.

Sir, this is communalism *par excelsis*, rather communalism run mad. Our Ministers pride themselves and call themselves popular Ministers of a popular Government which would mean Government of the people, by the people and for the people of Bengal; but the present policy discloses that this Government stands for people outside Bengal even to the detriment of the best interest of the people of Bengal and makes a sad yet true confession that it is an out and out communal administration. There is, however, nothing to wonder at. The Ministry depends for its very existence upon communal favouritism and fanning the flame of communalism. In fact, Communal Award is at the root of all the evils we suffer from in Bengal politics.

Sir, the genesis of the present policy is this: the Department of Agriculture and Industries some time in August, 1939, enquired of the Public Services Commission regarding the selection to be made for the post of the Deputy Director of Agriculture in the Bengal Higher Agricultural Service. Sir, the Commission in its turn enquired of the Finance Department as to the principle to be adopted in the case of posts reserved for Muslims—whether in such cases, the posts should be thrown open to the non-Muslim candidates in the event of suitable Bengali Muslims not being available, or whether an endeavour should be made to secure suitable Muslims from outside Bengal before such posts are thrown open to non-Muslim Bengalis. The question was easy; but the reply was difficult and although it was very desirable to meet the emergency by making appointments as soon as possible, several appointments as well as the reply were held up. Government, however, came to a decision 11 months after, in May, 1940, at Darjeeling and this decision embodies the present policy of the Government which is now the subject-matter of discussion in this House.

Sir, it will be pointed out by the Government that in the case of those services for which recruitment rules prescribe that the recruitment is reserved for candidates who are natives of or permanently domiciled in Bengal and make no provision for relaxation, its decision is that if no suitable Bengali candidate is available for appointments earmarked for a particular community, it shall be thrown open to Bengali

candidates of other communities. This rule mostly covered jobs more or less of a clerical nature and in which Government have no other alternative but to do so, as the recruitment rules make no provision for relaxation. The present policy of the Government will affect all special and technical services under the Government which are responsible for the progress and good name of the province. It will affect the following services: The Bengal Higher Veterinary Service, the Bengal Higher Agricultural Service, the Bengal Senior Service of Engineer., the Bengal Lower Veterinary Service, the Bengal Lower Agricultural Service, the Bengal Engineering Service, the Bengal Medical Service, the Bengal Factories Service, the Bengal Boilers Service, the Bengal Smoke Nuisances Service, the Bengal Forest Service, and the last, item No. 12, all posts in the Bengal General Services other than the post of the Bengali Translator to Government.

The last item—item No. 12—alone covers about 200 posts in the Appointment Department and the Departments of Commerce and Finance, Judicial, Legislative, Marine, Political, Political Jails, Revenue, Revenue Excise, Public Works, Local Self-Government, Medical, Public Health, Agriculture, Industries, Education and Registration. Sir, there are the Bengal Services Recruitment (Communal Ratio) Rules, 1940, framed and published by Government. I pause to enquire if there is any rule there providing for the relaxation of domiciliary qualification. If so, what are the exceptional circumstances in which they can be relaxed. Rather the rule is that preference should be given to candidates who are natives of or permanently domiciled in Bengal. A responsible Government cannot evade it by saying that it is a mere statement. But I anticipate that a communal Government will lay undue stress on the language of section 4 of the Bengal Services Recruitment (Communal Ratio) Rules, 1940, to override the domiciliary considerations. I deny that the language of section 4 of the rules is capable of any such interpretation. It deals with parity and parity was never intended to be brought about in the public services by importing Muslims from abroad. On the contrary, that parity was intended to be brought about, according to the Government Resolution of 19th June, 1939, by Bengali Muslims holding minimum qualifications. Owing to the dearth at present of Bengali Muslims qualified to hold special and technical services of the Government, parity may not be reached as quickly as the communalists desire. But regard being had to the rapid strides in education made by Bengali Muslims, the communalists should have held their souls in patience for a few years and trusted the Dacca, Calcutta and foreign universities and should not have thrown open the gates of the prize posts to outsiders when non-Muslim Bengalis with maximum qualifications are available for them.

Sir, let me say here and now—should non-Muslim communities fail to furnish qualified candidates for jobs ear-marked for them, they would

spurn the idea of bringing in outsiders of their community however qualified they may be to fill them, provided Bengali Muslims duly qualified were available for those jobs; for, they are the bones of our bones, the flesh of our flesh and are the children of the common family of Mother Bengal.' The question is, when qualified Bengalis are available, whether the bread of any one single member of that family should be given to outsiders. The communalists and the *Pakistanists* will say—"yes, but our answer is an emphatic no."

Sir, recruitment to public services on communal considerations was very strongly opposed as being not only highly prejudicial to the interest of the non-Muslim Bengalis but also to the cause of efficiency which should be the sole criterion for all appointments. Take for instance, the technical and special services. They require technical and special knowledge. Although the basic percentage of reservation for Bengali Muslims for direct recruitment to the public services was fixed at 50 per cent., Government realised that for the present, the Muslim community might fail to furnish the necessary number of qualified Muslims for such posts and provided that in case of their inability to do so, qualified non-Muslim candidates could be taken. At the same time, Government provided that no deduction would be made on that ground from the quota fixed for open competition in the subsequent years or in other jobs. This was in June, 1939. All this has now been changed and has given place to the present rule or policy. Sir, the revenues of Bengal belong to Bengal. They are the revenues paid by the people of Bengal by the sweat of their brow: The benefits derived from these revenues should not go to an outsider so long as a Bengali is available having the qualifications laid down by the Public Service Commission. Bengal is for Bengalis, be he a Muslim, a Hindu, Buddhist, Christian, Jain or Parsi and so long as qualified Bengalis are available where is the sense in bringing in qualified outsiders? Further, the present policy means that Government in pursuit of communalism is determined to ignore the problem of unemployment which as you know, Sir, is very acute in Bengal. Sir, by saying all this, I lay myself open to the charge of provincialism. That charge would be false. The truth is that Bengalis are being ousted from other provinces in the matter of getting employments: they have little chance outside the province. The charge of provincialism would be hardly fair inasmuch as by the present policy, Government seek to provide billets to qualified candidates from outside Bengal belonging to a particular community but will give no chance to non-Muslim Bengalis however qualified they may be irrespective of their caste, creed or religion. When the basic percentage was fixed for the Bengali Muslims, it was done without any consideration of their educational advancement. Government are now finding it increasingly difficult to get Muslims for the higher grade services having the requisite

qualifications. A few illustrations will suffice. The post of the Calcutta Police Surgeon, that of the Professor of Physiology, the post of Second Superintendent of Sericulture and also that of Appraiser in Port Trust are typical. For the last post, applications have been called for from the Muslims of Bengal, Bihar and Orissa. As for the rest, several highly qualified non-Muslim Bengalis even with foreign degrees applied and were considered quite fit, but no Bengali Muslims with minimum qualifications were available with the result that none of the former could get the posts because of the present rule of the Government. Sir, can anything be more deplorable? Sir, constituted as the present Legislatures are, there is hardly any chance here. But, Sir, even the darkest cloud has a silver lining and this has revealed itself in an unexpected manner. A recent incident has shown that the leading lights of the Bengal Ministry are mortally afraid of the Muslim students of Bengal and are anxious to placate them. They are intelligent, they are generous and they have proved themselves to be highly patriotic. In his attempt to keep them separate, the Chief Minister went to the length of apologising to them for an incident in the Islamia College compound, thus distinguishing them from non-Muslim students. A determined effort is being persistently made by the leading diehard communalists to change their outlook and make them Pan-Islamic as opposed to nationalistic.

Everything, therefore, depends on the students of Bengal—both non-Moslems and Moslems. If they combine and cry down the present policy, I dare say, it will go the same way as the Holwell Monument. Sir, may I, before I take my seat, be permitted to remind the Hon'ble the Chief Minister of what he publicly stated on 12th June, 1939, after the Government decided on the communal ratio question in the public services of Bengal? Sir, I quote his exact words:—

“I have no prejudice against non-Moslem youths. They have been and will ever be as dear to me as the youths of the Moslem community. It is my earnest desire that they should all equally nestle in my bosom, so that they may equally grow under my affectionate wings to the full height of manhood.”

Will the Moslem and non-Moslem students of Bengal take note of these words, and will the Hon'ble the Chief Minister try to justify his present policy in relation to these words, the policy of giving appointment to outsiders while competent Bengali students are available? Or, was his reference to non-Moslem students a mere hoax? Sir, I pause for a reply.

MR. PRESIDENT: Motion moved: that this Council do now adjourn.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I did not like to intervene in this debate, but the energetic speech of Mr. Lalit Chandra Das compels me to stand up. I do not wish to be hard on him: I would rather be thoroughly non-violent with him. My friend, Mr. Das, professes to be a votary of non-violence, but when on his legs, he is anything but non-violent with his tongue. I believe communalism is dead or at least it is dying. My friend would, however, like to keep it alive, if he can, but in spite of sporadic attempts to keep it going, communalism is dead, or dying. What is communalism? I have tried to procure a definition. The dictionary will not help us. My feeling is that communalism is like the following. There are many vested interests. They feel that they must preserve those vested interests and must not allow any intruder to have a share. If a new claimant comes in—it is not necessarily a question of Hindu *versus* Moslem—but it is a question between Burra Babus, persons in key situations, in fact, vested interests and intruders. Whenever any third person comes in, the question of efficiency is raised to shut him out.

Now, take the question of Europeans *versus* Indians. Assuming that the Europeans are efficient—though according to Mr. Das they are not so—assuming they are fit in many cases—when you want to eliminate the Europeans, your reasoning has always been this: “We are Indians, we must replace the Europeans irrespective of merit. And you expect the Hindus, Muhammadans, Scheduled Castes and all others to stand under the banner of “nationalism” to eliminate the Europeans even when they are efficient. You want special protection against them and the question of merit is brushed aside. But when the Muhammadans or the Scheduled Castes, for whom my friend professes so much sympathy, would try to enter an office or to get in somewhere, they would say “well, you are not efficient, why think in communal terms? You are communalists”. Nationalism, therefore boils down to this. They would say “we are here, we must guard our vested interests, we must not allow intruders to come in”. This happy mental pose is nationalism, and if anybody else, however efficient, however competent, tries to share their fortune and says “I am a Scheduled Caste man, I am a Muhammadan, let us share the loaves and fishes of office”, you say “this is communalism”. Any attempt by Muhammadans to share public advantages with the Hindus is therefore “communalism” and must be put down. I submit that my Hindu friends like Mr. Lalit Chandra Das and others, who are more educated than the Muhammadans, who are more well to do, ought to forego some amount of their preserved privileges for the benefit of the Muhammadans (Mr. LALIT CHANDRA DAS: We have already foregone. You have got 50 per cent.) You have not foregone anything. You flatly opposed it. We have got 50 per cent. in spite

of you. So, the question has never been a question of foregoing. My friend has never allowed himself to agree to that situation, but is now trying to make a virtue of necessity.

Now, my friend has said that he is provincial in his outlook, and he thinks that others also should have this narrow outlook. But what is happening to Bengalee-Hindus in the sister province—the neighbouring Congress province? They are being driven out. It is an open secret that they are being driven out. If you disclose a narrow provincial outlook, the effect would be that Bengalees will be more and more driven out. To encourage the retention of Bengalees, in other provinces, who are mostly Hindus, we should encourage Muhammadans of other provinces to come to Bengal.

Sir, the position of India is not very safe. But for the British, India would be nowhere; and if the British would leave India, we would be absolutely gone. You must not have a provincial outlook. I know Provincial Autonomy will have a tendency to make you separate. You may disclose centrifugal tendencies. So long as the Centre does not sit tight, you will have this centrifugal tendency, a tendency to move away from the Centre and from each other. But in these days, this tendency is prejudicial to the circumstances in India. Let us, therefore, cultivate a more all-India outlook.

Now, with regard to the so-called communalism of the present Ministry, all I know is this that my friend is concerned to find communalism in everything. Take the case of the Bengal Tenancy (Amendment) Act. What was the cry all through? They said "It is a communal measure." Was it honest or was it an utterance merely for catching the imagination of the public? I beg to submit that there was nothing communal in the Bengal Tenancy (Amendment) Act. (MR. SRISH CHANDRA CHAKRABARTY: Who said that?) It has been repeatedly said so from Mr. Chakrabarty's bench. (Cries of "no", "no" from the Congress Benches.) A perusal of the proceedings of the time will make everything clear. There was a hue and cry in the Assembly and in this House over this. If you read the newspapers of the time, you will find the persistent cry was "communal measure", "communal measure", "communal measure". But go to the country. The Hindus and Muhammadans have welcomed it in spite of the cry of communalism.

Now, take the Bengal Money-lenders Act. A similar cry was raised that it was a "communal measure". You cannot allow money-lenders to kill your people. While the money-lenders were killing the people, the Money-lenders Act was passed to save them. Whatever may be the position, there is nothing communal in the Money-lenders Act. (Interuptions from the Congress Bench.) And these objections and interuptions of my friends from the Congress Bench will show

that they still regard it as a communal measure. (Mr. SRISH CHANDRA CHAKRAVARTY: We do not say it is communal.) It is no use, Mr. Chakravarty saying so from the front bench when he is contradicted by their back benches. The Bengal Money-lenders Act is going to benefit the Hindus more than the Muhammadans. Not that I grudge it. Anybody who is a borrower is going to get the benefit. It benefits the Hindus more than the Muhammadans. The Muhammadans are poor and their debts hardly reach three or four figures. But with regard to Hindus they are well to do and have larger borrowing capacities and their debts run up to thousands or even lakhs of rupees. In fact, those who are richer and have proper accounts will be in a better position to take advantage of this than poorer men who cannot prove the necessary facts.

Take again, the Bengal Agricultural Debtors Act. I have repeatedly heard from many of my educated Hindu friends that this Act was passed as a communal measure by this Ministry. I had to show from the books that it was passed in 1935—long before the present Ministry came into office—and when they saw the book, they were still sceptical about it. I had to repeatedly explain this to a large number of my friends, and yet they would not be inclined to be satisfied.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Is it relevant?

Khan Bahadur NAZIRUDDIN AHMAD: I think Sir, I am relevant, but he thinks otherwise. To him things are not relevant when the argument pinches him. I appeal to Mr. Lalit Chandra Das not to indulge in wholesale charges of communalism. I think a little real sympathy from that Bench will be appreciated by us.

(The member having now reached his time-limit, resumed his seat.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I rise to support the motion of my friend Mr. Das.

The present Government has given no small number of shocks to the interests and susceptibilities of the general population of the province. But none of them have been as regrettable as the one which the recently enunciated policy in regard to the communal reservation of posts in the public services has involved.

Sir, most of us here have certainly not been reconciled to the scheme of distribution of posts among the different communities which was adopted by the Government of Bengal sometime before. Our objections to the scheme have been strengthened to a far greater extent by the way that this scheme is now being worked in practice in the province. On the present occasion, speaking on the adjournment motion, I have to confine myself, Sir, to the question of importing outsiders

to our public services for communal considerations. But incidentally I may mention the fact that when the scheme of communal distribution of posts in the services was formulated, we understood it to mean that in the new recruitment only this proportional distribution would be kept in mind. But for some time past this is not being strictly followed. This is possibly being done with the object of balancing the past recruitment to these offices. But, Sir, this principle of appointment is virtually putting a ban upon the present generation of young men coming from other than certain particular classes and communities.

The policy of importing outsiders if candidates of requisite qualifications are not available in a particular community in this province, has brought out more clearly than anything else the attitude of the present Cabinet towards the general population of the province. Already a great cleavage has been created between the different communities in Bengal by the operation of the system of communal representation both in the Legislature and in the services. This cleavage, Sir, is being further emphasised by the assertion that if candidates of a particular community are not forthcoming from Bengal, their places would rather be filled by outsiders than by candidates of other communities inside the province.

Sir, for some time past the province of Bengal has become already the hunting ground of adventurers from outside. Children of Bengal are shut out as rigidly as possible from all avenues of decent employment in the other provinces in India. But the children of the latter are still using this fair province as a milch cow. It is certainly, Sir, a matter of sorrow that the policy of the Bengal Cabinet will now give a further stimulus to the adventurers from outside to find a lucrative field for exploitation in Bengal.

In this connection, Sir, I may ask the Government of Bengal if they are aware of the fact that the Moslem Governments of no other province are entertaining in any way the candidature of our Moslem brothers from this province. It is good for the Bengal Cabinet to remember that even the late Sir Fazli Hossain, than whom there was no greater champion of Moslem interests, would first give preference to a Punjabi Moslem, and then to a Punjabi of any other community. But he would not think, in filling a post, of any Bengalee-Moslem. It will be to the credit of the present Cabinet if it follows at least in the footsteps of that great statesman of the Punjab.

With these few words, Sir, I support the motion.

MR. HUMAYUN KABIR: Sir, I must confess that I have a great deal of sympathy with certain aspects of the problem which has been raised by this adjournment motion, but there are other aspects with which I do not find myself in complete agreement. At the very outset,

I should like to say that I am in complete agreement with my friend, Khan Bahadur Naziruddin Ahmad when he says that communalism is a function of the vested interests. There is no such thing as genuine communalism; but if there is genuine communalism anywhere it does good to the community concerned, it does good to the country as well, because it serves the interests of the country. But marked communalism has in view only personal interest, group interest, caste interest or the interest of a particular class or section of the society, and when, therefore, my friend the mover of the resolution condemns the Bengal Ministry as communal, I think that the term has to be defined in a particular way. It is not true to say that the Ministry has been guided by Muslim interests alone; in many cases it has gone against Muslim interests. The Ministry has served the interests of only a group which it represents; it only represents a group of capitalists and a section of landlords in this province. Again, it is not fair to say that this Ministry has no Hindu supporters because there are in the Ministry some persons who belong to the Hindu community. It is a peculiar phenomenon in Bengal to-day that the people are so divided and subdivided amongst themselves that they are doing all sorts of things simultaneously. There are the Congress, the Muslim League, the Hindu Mahasabha, the pro-British, the anti-British, and many other movements in this country; and similarly the public is also pro-Subbas Bose, pro-Gandhi, or pro-Naliniranjan Sarkar at the same time. There is thus a great deal of confusion in Bengal which is natural because we are in a critical position to-day, particularly so far as the Hindu middle class is concerned. They have reached the saturation point so far as the public services are concerned. They are faced with unemployment; they are faced with the dissolution of the old order in which they grew up and the evolution of a new order to which they cannot quickly adapt themselves. Therefore, the Hindu middle class has reacted to this peculiar situation in a distracted manner. That is why we find that there are peculiar phenomena and confusion in this province and we find that the Ministry has played to the interests of the vested interests of the province. If we have any criticism against the Ministry it is not so much against its communalism (because it has not been communal in the real sense of the term) but it is because it has played to the demands of the vested interests.

Take, for instance, the question of education which is closely related to the question of public service. First of all, I should like to make it clear that it is my conviction that in the majority of cases academic qualifications are not a very sure test in appointing the best men. In most administrative posts, it does not matter very much whether a man is a first class M.A. or a second class B.A. A person with requisite academic qualifications may prove himself to be a better officer than one with higher academic qualifications. Perhaps members of this House know that for the British element of the I.C.S. recruited in

England there is no necessity for any academic qualifications whatsoever. Any Englishman who is 21 years old can compete. The question of educational test comes in only when Indians are concerned, but, so far as Englishmen are concerned, any person who is 21 years of age and is prepared to sit for the competitive examination is entitled to enter the I.C.S. To-day in England even the system of competitive examination has been abolished. Though a degree of a British University is required, there is no such emphasis upon any specific academic qualifications as we find here in this country. Again, so far as England, France, and Germany are concerned, the best academicians do not go in for any of the administrative posts because of the routine nature of their work. We have seen that a person with some common sense is able to carry on any administrative work. With regard to certain other types of posts, for example, in the Department of Education or technology, this system does not apply. There, academic qualifications are certainly essential. So far as technical and educational appointments are concerned, we should throw them open for competition not only to the people of the province concerned, but to people of all the provinces in India. So far as engineering, industrial and technical posts are concerned, we should go much further than what has been done so far by this Government and throw them open to the best talents in the country as a whole. I would here draw the attention of the House to the example of what Japan has achieved by following this policy. So far as educational and industrial posts were concerned, Japan selected the very best men from any part of the world and offered them service under contract. The Government there stipulated that they must train the local men within a fixed period. If the Bengal Government had followed that policy, I am sure the vast majority of the people of this province would have supported them.

To revert to what I was saying a moment ago, it is not so much the interests of the Muslims which has guided their policy but the interests of a particular section of Muslims and Hindus of Bengal. I shall cite one or two examples. Take the case of the Lady Brabourne College or the Islamia College. Here, we have a colossal wastage of public money. If this money had been spent on scholarships to deserving Muslim students,—and Muslims are known to be backward in education at the present moment,—we could have by this time built up a body of young men who could have held their own against any similar group here or in any of the provinces in India; but instead of that we have the Lady Brabourne College where none but the daughters of well-to-do families in Calcutta can go. Similarly, with regard to the Islamia College—

The Hon'ble Mr. A. K. FAZLUL HUQ: On a point of order, Sir. Are all these remarks relevant? The question is that non-Bengalis should not be appointed.

Mr. HUMAYUN KABIR: Sir, I shall show to the Hon'ble the Chief Minister that what I have been just saying is relevant from his own course of action, and I hope he will then realise the relevancy of this question. He has recently said that he would throw open the professorships of the Islamic College to the best available talent. That itself shows the relevancy of this question to which I have referred a moment ago.

Therefore, Sir, the attack on the Ministry should not be from the communal point of view. So far as the adjournment motion is concerned, the attack on the Ministry has been misdirected. The attack should have been from the point of view of the interests of Bengal as a whole. I have, however, a great deal of sympathy with certain aspects of the Government resolution referred to. The reasons why a larger number of Muslims are to be associated in the administration of the province are two-fold. On the one hand, by giving an administrative post to a person he is given some economic stability, and in this way he helps to bring up the economic level of the community to which he belongs; and secondly, a person of that particular community is expected to look after the interests of that community with greater assiduity and preserverance. From both these points of view—(At this stage the member reached his time-limit but was allowed to conclude his speech in a couple of minutes.)—if a Muslim from another province is appointed, it does not help in any way to bring up the economic status of the people of the province. You want to give appointments to a larger number of Muslims of Bengal in order to bring up their economic status and also to foster a spirit of sympathy with the members of their own community which a non-provincial cannot have to the same extent as perhaps a man of the province will have.

Sir, I shall now conclude my speech by saying that it is entirely a mistake to look at this problem from either the Hindu or the Muslim point of view. The Government resolution says that if a job is reserved for a person of one community and if a candidate of that community is not available, it should be thrown open to persons of the other communities of the same province—

(At this stage the member having again reached the extra time-limit resumed his seat.)

Mr. NUR AHMAD: Mr. President, Sir, I rise to oppose this motion. It is really surprising to find that of all persons Mr. Jalit Chandra Das should bring forward this motion before the House. We are all aware of Mr. Das's pronounced views about an All-India Federation. Only very recently, Mr. Das in the course of a statement

refuted the charge of provincialism against the Congress and particularly against the Bengal Congress. In view of that fact, Sir, the very last thing that I could have expected was that a resolution of this nature which bristles with nothing but provincialism and parochialism should be actually moved by a person like Mr. Das. There is, however, an ulterior motive which has prompted Mr. Das to bring it forward before this House, and this consists in attacking the present Ministry on the ground of communalism. Sir, I happen to be the President of an association which has nothing to do with communalism, but it has pained me to find that Mr. Das stigmatises it as communal. I am sorry that this mentality is now filling the minds of the people of Bengal and of the other provinces in India—a mentality which is retarding the progress of India as a whole. It is really very unfortunate that though the Hindus and the Muslims lived together for more than 1,300 years in India in peace, rank communalism is now spreading throughout the length and breadth of this land. Communalism is a thing unknown to Islam. If you read Islamic history, you will find that the Muslims are the most tolerant people on the face of the earth. There might have been proofs occasionally of petty communalism here and there in the past, but on the whole it is admitted by all impartial historians that they were the most tolerant people.

Mr. Das is labouring under a misapprehension. Simply because the present Ministry has a Muslim majority, therefore, he has brought the charge of communalism against it. It is really unfortunate at this critical stage in India's transition from Bureaucracy to Democracy that the communal question should crop up. Mr. Das may grudge the appointment of some Muslims from outside Bengal, but might I request him to read the Duke of Argyle's book, entitled "India under Dalhousie and Canning" and learn therefrom how the Muslims were treated during the earlier days of the British administration in India. I shall cite only one instance here. Lord Canning was recalled from India for having sanctioned the appointment of a Muslim as the Deputy Commissioner of Patna because in those days the appointment of a Muslim to a high administrative post was considered to be a high crime and misdemeanour. Let me say in the words of Hunter what great injustice had been done to the Muslims of India: "We have shut them out from every avenue of life for fifty years of our administration which the Muslims had monopolised."

During the last half of the Company's rule we were all expelled and were deprived of all lucrative posts and were shut out from all walks of life with the result that every walk of administration was monopolised by the Hindus. This was the thing and in the present state of the Mussalmans in India it is a most regrettable thing that because Mussalmans are appointed to some posts Mr. Das will come

before the House with an adjournment motion which is likely to embitter the already embittered feelings at a time when we all want to unite.

With these few words, I oppose the motion of Mr. Das.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to oppose the adjournment motion first on the ground that the matter under discussion is not at all of urgent public importance, and, secondly, on the ground that in the opinion of the majority of the public the rule complained of is not at all unjust as sought to be made out.

I shall first deal with the first point that it is not urgent—

• **Mr. PRESIDENT:** Order, order. You are not to pass any judgment on the decision of the Chair. I have held that it is of urgent public importance.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am sorry, Sir.

I then come to the second point. The rule enunciated by the Government is unexceptionable inasmuch as it is not to apply to any particular community. The rule by itself does not apply to any particular community, but by the way it has been explained by my friend Mr. Lalit Chandra Das it appears that he apprehends that it will really apply only to the Mussalmans. Even taking that as correct, I do not think it will be quite right to brand it as communal. To realise the fairness of the rule, I think, Sir, we have to trace the history of the Mussalmans during the time of the Company's rule and the real reason of the downfall of the Muslims in this country—educational downfall and economic downfall—and for this downfall who was responsible? If we trace the history, Sir, I think we will find that the Muslims are not responsible for this deplorable condition in which they have fallen. Sir, I will quote from no less an authority than Mr. W. W. Hunter. He says—

“The truth is, that when the country passed under our rule, the Mussalmans were the superior race, and superior not only in stoutness of heart and strength of arm, but in power of political organization, and in the science of practical government. Yet the Muhammadans are now shut out equally from Government employ and from the higher occupations of non-official life.” And why? The reason is also given by Mr. Hunter to a certain extent.

“The truth is, that our system of public instruction, which has awakened the Hindus from the sleep of centuries, and quickened their

\ inert masses with some of the noble impulses of a nation, is opposed to the traditions, unsuited to the requirements, and hateful to the religion, of the Mussalmans."

"With the Mussalmans the case was altogether different. Before the country passed to us, they were not only the political but the intellectual power in India. They possessed a system of education which, to use the words of the Indian statesman who knows them best, however inferior to that which we have established, was yet by no means to be despised; was capable of affording a high degree of intellectual training and polish; was founded on principles not wholly unsound, though presented in an antiquated form; and which was infinitely superior to any other system of education then existing in India;—a system which secured to them an intellectual as well as a material supremacy, and through the medium of which alone the Hindus could hope to fit themselves for the smallest share of authority in their native country. During the first 75 years of our rule we continued to make use of this system as a means for producing officers to carry out our administration. But meanwhile we had introduced a scheme of Public Instruction of our own; and as soon as it trained up a generation of men on the new plan, we flung aside the old Muhammadan system, and the Mussalman youth found every avenue of public life closed in their faces."

"Meanwhile the Muhammadans have just ground for complaining that the funds which we levy impartially from all classes for State education, are expended on a system exclusively adapted to the Hindus."

That is the reason, Sir, of the downfall of the Mussalmans—educationally and economically. Sir, unless some special efforts are made, it will be impossible to bring back the Mussalmans to their old condition, and it is only just and proper that the wrong already done to the Mussalmans should be righted. Sir, when it is proposed to make an adjustment in order to right the wrong, the cry of communalism is raised and every measure that the Government takes to make an adjustment is branded as communal. Sir, we on this side of the House feel that it is absolutely necessary to make a special effort in order that the wrong done to the Mussalmans is righted and for that reason we moved for reservation of appointments for the Muslims. And in a country of which the Muslim population is about 56 per cent., when 50 per cent. was given, even that was ruthlessly criticised by the other community, by my liberal Hindu friends as communal. Even this 50 per cent. is attempted to be whittled down by bringing a resolution of this nature.

Sir, we know that for reasons not within the control of the Muslims they have not sufficiently qualified men in Bengal just now for technical branches of work. Therefore, the Muslims think that it will be to

their interest if duly qualified Muslims are brought from other countries to look after their interest.

Mr. LALIT CHANDRA DAS: Why Muslimism only? Throw it to all, irrespective of castes or creeds.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Because we believe that the Muslim nation is not confined to Bengal alone, nor to India alone—

چین و عرب ہمارا ہندوستان ہمارا
مسلم ہیں ہم وطن ہے سارا جہاں ہمارا

Translation.—

“China and Arabia are ours, India is ours.

We are Muslims, the entire world is our home.”

We believe that we Muslims are one nation wherever we be, in whatever part of the world. That is what our national poet Iqbal taught and sang. Sir, we believe also that the interests of the Bengal Muslims will be better served if the Muslims even from outside Bengal are brought, even from outside India, probably from Egypt, if it is found necessary to do so.

Sir, there could be honest criticism if an attempt had been made to lower the qualifications in the case of Muslims; but the rule does not contemplate lowering the qualification. What the rule contemplates is that duly qualified candidates must be brought. If they are not found in Bengal, they are to be brought from other provinces. I do not see, Sir, how our Hindu nationalist friends can object to this, unless they confess that they are narrow-minded provincialists. Sir, we think that by bringing such Muhammadans from other provinces, we will be encouraging and putting hearts into the Bengal Muslims. Sir, this is necessary for rousing the Muslims from the slumber and inertia of years and decades. Our Hindu brothers can afford to be generous and liberal; if they are really national, they must see that the Muslims do not lag behind but go hand in hand with the Hindu community. We do not believe, Sir, in a nationalism which does not look to the interest of the community, nor do we believe in a socialism which does not look to the interest of the individual; similarly, we do not believe in the interest of provincialism if it is an air-tight provincial interest and does not keep a safety valve for the safety of the entire machinery. Sir, both the wheels of the chariot of Indian Nationalism must be in proper working order if the chariot is to make any progress along the path of national prosperity and progress. It is

surprising to see, Sir, the so-called nationalists opposing the system which seeks to put both wheels of the chariot on the same line by adjustment.

With these words, Sir, I oppose the motion.

Mr. KAMINI KUMAR DUTTA: Sir, at the beginning, I had no mind to speak on this resolution at all, as I was not feeling any enthusiasm over this matter. When the world is reshaping itself, when the old Order is crumbling down and a new Order is coming, we are wrangling over the communal ratio for a few jobs. Really, it is regrettable and distressing to find that we are at such a low ebb in our national life that even at this critical juncture in the history of the world we could engage ourselves over these small affairs and not be thinking of the future which is really approaching us—the future which may be bright or may be exceptionally dark. Nobody knows what is awaiting us. Nobody knows what is awaiting the whole world.

I should first of all make the position of the Congress quite clear so far as this question is concerned. As to the claim of any particular community—the Muhammadans or the Scheduled Castes—to have an adequate share in the public services proportionate to their numerical strength, Congress fully supports and endorses that. Congress is not opposed to that proposition in the least, for the ideal of the Congress embraces the whole of India and is not confined to any particular province. So, I must make the position of the Congress Party clear in this matter. In these petty matters, Congress would not mind, Congress Party would not care in the least, but it is only one remark of my friend, Khan Bahadur Muazzamuddin Hosain which has made us of the Congress Party a bit uneasy. If the policy underlying this resolution of the Government is to create a separate nation, a smaller nation out of the great Indian nation, Congress will oppose it with all its strength. If it is the object of any party in India to create a smaller India within the greater India, Congress with all its might and all its power will oppose it. Congress wants one nation in India, one nation to fight for its freedom, and any attempt to create a smaller nation which does not call itself the Indian nation, Congress will be sorry to fight against. Congress attitude has always been this: Hindus, Muhammadans, Jews or any nation, all are Indians. Even those Europeans who would like to call India their land, India will claim them as her sons, and Indian nation as a whole will fight for their proper place in the new Order. So, really it was only that remark of my friend which distressed me, namely, that they are pursuing that matter from that angle of vision. I should again say from the standpoint of the Congress that they should not think of a separate nation, that they should think of one nation and one nation only, and that is the Indian nation.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I had no desire to take part in this debate, but I feel that I would be failing in my duty if I do not speak on one aspect of the question, and it is this—

Point of Order.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. If I may interrupt the Rai Bahadur, what is the constitutional position when a party member moves an adjournment motion and the leader of that party says that the fundamental basis of that motion is wrong?

Mr. KAMINI KUMAR DUTTA: May I explain the position, Sir?

Mr. PRESIDENT: Yes.

Mr. KAMINI KUMAR DUTTA: If that motion is considered from a narrow communal point of view, I would not support it. But I find that the policy of the Government against which this motion seeks to register a protest is anti-national and in that view I really support the motion.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, as I was saying, the House will perhaps remember that on more than one occasion several members of the Council, by means of Resolutions, motions, and questions, impressed on the Government the desirability of appointing Bengalis and Bengalis alone to Government service; and if I remember aright it was on one such occasion that the Hon'ble Home Minister in the course of his reply definitely said that Government would try their best, and have been trying their best, to recruit Bengalis for the Police and other Services under the control of the Government of Bengal. It is really distressing to find that some of our friends here cannot look beyond the tip of their noses and are yet trying to do some benefit to members of their own community although they may not be residents of this province. I am sorry I cannot agree with this policy. It is not a question of a Hindu, Muslim or Christian getting some appointments here and there. It is a question of Bengalis as a whole. With the spectre of unemployment stalking this fair province of ours, it is unthinkable that any appointment under the control of this Government should go to a non-Bengali. Sir, it is a question which vitally affects the Bengalis as a race. It is very much to be regretted that the Hon'ble Home Minister's declaration on the floor of this House has not been given effect to by the Government. The Government have now embarked upon a new policy—a policy that is detrimental to the best interest of the Bengalis. Sir, I hope that in view of the feeling that exists in the country, Bengal should be for Bengalis alone and

the Government will see their way to reconsider their decision. It is well known, Sir, that Bengalis suffer very much in the matter of securing jobs in the other provinces. Even the Congress Government were so provincial in their outlook that they did not hesitate to debar Bengalis from getting services or contracts in provinces like Bihar and Assam. In Assam, for instance, no Bengali can acquire land without the permission of the Assam Government. The House will perhaps be astonished to hear that after the earthquake in Bihar in 1935, although plenty of relief was sent from Bengal, yet the Government of Bihar did not engage a substantial—or I can say even a small—number of Bengali contractors to rebuild the houses that had been destroyed by the earthquake.

The Bengali-Bihari question was, as everybody knows, referred to Dr. Rajendra Prasad. Perhaps he was then President of the Indian National Congress. He submitted his recommendations to the Ministers of the Bihar Government, but they did not do anything to implement the recommendations of Dr. Rajendra Prasad. In this view of the case, I think, Bengal has no need to be liberal at the expense of the children of its soil.

The United Provinces Government, as is the case with the other Governments, is no better. Bengalis in the United Provinces, Assam, Madras and other provinces suffer from great disability in the matter of securing jobs and appointments on account of the attitude taken up by those Governments. But it is really surprising that the Government of Bengal, at any rate, the present Ministry which represent the people of Bengal and not the people of the Punjab, or Egypt, should hesitate to give the Bengalis the lead they require—

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Bengal Government is more generous.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, my friend over there does not seem to realise the difficulties that the Bengalis are suffering from. He does not think of that but thinks of the Punjab and Egypt and other places outside India. In view of these things, I think, Sir, it will be a wise course to reconsider this question and not to lay themselves open to the criticism that the administration of the Government of Bengal does not look to the interest of the children of the soil. With these words, I support the motion.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, there has been so much in the speech delivered by my friend Mr. Kamini Kumar Dutta which I admire that it pains me much to have to make one or two adverse remarks on his speech. It is not the Bengal Government or for matter

of that any Government that can make or unmake, create or destroy a nation. The Muslim community has existed for the last 1,300 years in spite of any Government in any part of the world.

What my friend, Khan Bahadur Muazzamuddin Hosain wanted to convey to the House was that Islam is a great proletariat and a great democracy; and once a man is a Muslim, he embraces universal brotherhood all over the world. Whether that feeling is right or wrong, correct or incorrect, is beside the point. That is not the feeling which actuated the Bengal Government to come to the decision which has been so adversely criticised by my Congress friends.

Now, Sir, coming to the Government resolution itself, there has been no suggestion that any attempt has been made by the Bengal Government to lower the standard of efficiency in the matter of recruitment to the public services; whether it be Muslim from Bengal or outside Bengal, the essential high standard of efficiency has always been maintained. The objection is that we need not have gone outside Bengal and travelled far afield for talents when Bengal itself is full of talents of various kinds; and when Bengalis can be appointed, there is no reason why non-Bengalis should be appointed. The question therefore resolves itself into this—should non-Bengalis be appointed when Bengalis are available? As an abstract theory, we all agree to this. But as a matter of practice we all violate this rule. What about the Calcutta University—that vast emporium of learning? It is full of non-Bengalis. Even in the domain of Sanskrit, you have got to go outside Bengal for the purpose of importing professors. I would not be surprised if one day you have to get professors of Bengali whose place of domicile may be a thousand miles away from Bengal—

Rai KESHAB CHANDRA BANERJEE Bahadur: Nobody supports it.

The Hon'ble Mr. A. K. FAZLUL HUQ: Rai Bahadur Keshab Chandra Banerjee has got upcountry durwans, while he could keep Bengali durwans.

Rai KESHAB CHANDRA BANERJEE Bahadur: I have none.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have seen upcountry durwans in his house.

Even the Calcutta Corporation employ men from Orissa for cleansing the streets and for waterworks. Why then cavil at the Government of Bengal for having enunciated a rule which, however much it may be objectionable, has been adopted by other employers of labour.

Now, Sir, I will not deliver any speech. But my friends over there are apprehensive that something serious has been done by this rule of the Government of Bengal. I have collected certain figures from the Education Department and I will tell the House what really has been done. During the period from 1st April, 1937, to 31st March, 1940, 10 Muslim appointments have been made in the Bengal Senior Educational Service, Bengal Educational Service, Bengal Junior Educational Service. Out of these, only one appointment was made from outside Bengal and that was the post of a Lecturer of Arabic in the Calcutta Madrassah for which no Muslim could be found in Bengal and no Hindus were available, and so we had to go outside Bengal. During the period up to 1939, two Muslim appointments were made from outside Bengal—one is Professor of English in the Islamia College, who, I may say, is one of the best Professors of English that we have got, and we consider ourselves uncommonly lucky to secure a professor of that calibre. Even the Public Service Commission recommended him very strongly and said that the Bengal Government would be well-advised to secure his services. The only other post is that of the Lecturer in Urdu of the Bethune College. In this case also no Bengali Muslim or Hindu was available. We have, as pointed out by my friend Khan Bahadur Muzzamuddin Hosain, never made the rule applicable to any particular community. In the case of the Hindu community, we have made two appointments from outside. In these posts extremely competent men have been appointed whom we could not have replaced by appointing Bengalis. One is the Professor of Mechanical Engineering and the other is the Principal of the Sibpore Engineering College. Dr. Pandey is the best man of his type in India and we consider ourselves extremely fortunate in having been able to secure his services—

Rai KESHAB CHANDRA BANERJEE Bahadur: Did you advertise these posts?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, we advertised and readvertised—we advertised three times—and each time Dr. Pandey topped the list.

In the case of the professorship of Mechanical Engineering, the Hindu gentleman who was appointed is a very brilliant professor and he has been an acquisition to the college. So, there is no spirit of narrow communalism. The rule has been introduced for the purpose of ensuring efficiency and also for maintaining the communal ratio. What is there wrong if there is a rule for reserving certain appointments for certain communities. My friend Mr. Birendra Kishore Roy Chowdhury takes exception to this. He said that there should be

no reservation of any kind in the public services. That would be a very sound rule if appointments were honestly made. But we know that jobbery, chicanery, favouritism, nepotism, despotism, prejury and forgery are practised and therefore it is necessary to protect the Muslims and scheduled castes of the province so that they may have a few crumbs from the table, the best of which are going to a particular community which I do not want to name. Therefore, it is necessary that some kind of reservation should be made. As a matter of fact, we have laid down that as soon as we find that those communities for whom reservation has been made have attained a certain amount of parity with the other communities, this rule would be withdrawn—(Here the honourable Chief Minister reached his time-limit but was allowed to conclude his speech.)

Therefore, Sir, I submit that although the House has discussed communalism to its heart's content, it is time to cry halt. There is nothing wrong in what the Bengal Government has done. Bengal Government has not forgotten the claims of other communities. Only in the case of a few appointments which have been reserved for Moslems we maintain the standard of efficiency all right, but we try to recruit the best men, if the standard which we have set up is not attained by any candidate from Bengal. I submit, Sir, that this is a rule which ought to prevail for some time. When we find that it really entails hardship on anybody, we will be the first to revoke the rule. We do not want to make the rule unalterable for all time. At the beginning in order to encourage those who are in the background to come forward we have made some sort of reservation, but we have not used this rule mercilessly without exception. It is in only just two or three instances. Mr. Lalit Chandra Das himself has admitted that in the case of the Lecturer in Urdu or Arabic we had no other alternative. There only remained the cases of Professor of English and Professor of Geography—two cases only in the course of nearly three years and a half.

Rai KESHAB CHANDRA BANERJEE Bahadur: No other Provincial Government has adopted such rule.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think the Government of Bengal are grateful to Mr. Lalit Chandra Das for unconsciously helping them now and then. I may state that he is the champion of the Mahasabbhites in this House, and whenever the attack does not develop in the other House, it is taken up by him in this House. On this particular occasion, Sir, a similar motion was going to be moved in the other House but the Krishak Praja Party, the henchmen of the Congress, refused to support it. So, they very wisely withdrew it. (Cries of "no", "no", question, from Congress benches.) Well, I am giving you the inner history of that motion. Therefore,

the Government never got an opportunity to explain the position, but those who wanted to find any excuse to damn this Government took it up and started holding public meetings condemning this Government. But Mr. Lalit Chandra Das by bringing this motion in this House has certainly helped us to explain the exact position. I will read out to you the decisions of Government on this question. That alone will remove a lot of misunderstanding. The first decision is:

"In the case of those services for which the recruitment rules prescribe that recruitment is reserved for candidates who are natives of or are permanently domiciled in Bengal and make no provision for relaxation when no suitable Bengalee candidate of the community for which the appointment is reserved is available, the appointment shall be thrown open to Bengalee candidates of other communities"; that is to say, that in all those services where the *sine qua non* is the possession of qualification of being either a native of Bengal or domiciled in Bengal, in those cases no preference is given to the Muslims of any other province, and if the Muslims of Bengal are not available, then those services will be thrown open to the non-Muslims of Bengal. And this applies to practically all the important services and the major portion of the recruitments in Bengal."

I will now read out rule 2—

"In the case of the undermentioned services in which the recruitment rules provide for the relaxation of domiciliary qualification in exceptional circumstances or merely state that preference is to be given to candidates who are natives of or are permanently domiciled in Bengal, the provisions of section 4 of the Bengal Services Recruitment (Communal Ratio) Rules, 1940, shall override the domiciliary consideration."

That is, if the appointment is reserved for a candidate of a certain community and no suitable Bengalee candidate of that community is available, attempts will be made to recruit a candidate of that community from outside Bengal, before the appointment is thrown open to candidates of other communities. Now, Sir, the class of cases in which this is likely to occur is very very few. Only in a limited number of cases, this rule will come into effect. As has already been pointed out by the Hon'ble Chief Minister, in the three and a half years that we have been here, only very few appointments have had to be given to Muslims of other provinces, particularly in cases where non-Muslims of Bengal could have been appointed. That is to say, the Chief Minister has shown that in certain cases neither Muslims of Bengal nor non-Muslims of Bengal could have been appointed. The majority of cases where Muslims of other provinces have been appointed are of that type. It is only in one or two cases where non-Muslims of Bengal were available but preference had been given to Muslims of other provinces. Now, the Chief Minister has already shown that in

the University of Calcutta this has been done, but we have never heard any criticism. In the Government of Bengal as far as stenographers are concerned—I do not know how—we have recruited Madrassi Hindus, although I am certain that there were available Bengalee Hindus who could have fulfilled the minimum qualification. But on the ground of most efficient men, I believe, Madrassi Hindus have been appointed. There are stenographers in Government service belonging to Madras who are not domiciled in this province. I am sure M.L.C.'s knew about this, but no criticism has ever been made.

Mr. LALIT CHANDRA DAS: Will you explain how section 4 of the rules overrides domiciliary qualification?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have given reasons. There are two things—relaxation of domiciliary conditions and preference to Muslim community, and we decided that in those cases where relaxation of domiciliary conditions were possible, there we have given preference to the Muslim community.

Mr. LALIT CHANDRA DAS: Will you be good enough to read out section 4?

The Hon'ble Khwaja Sir NAZIMUDDIN: Section 4 is absolutely clear. It does not limit the choice to the Muslims of Bengal. If the honourable member can show it, I will say that Government has made a mistake. There is no wording there to show that it was confined to the Muslims of Bengal.

Now, Sir, I ask, has the honourable member got any legs to stand on after the speech of his leader? To-day I heard him say "Mother Bengal"; another day I heard him say "Mother India". Which is the mother, I would like to know. How could you have two mothers at the same time? When it suits the honourable member, he is a nationalist and an Indian; when it suits him again, he is a provincialist and a Bengalee; but every time "heads I win, tails you lose." This is how the principles are employed by the honourable member who has moved this motion. You cannot have it both ways. If you are a nationalist, if you are an Indian, how can you debar an Indian from getting service here? Have you ever heard of a Scotsman being refused an appointment in England because he is a Scotsman? It would be ridiculous for anybody to suggest a thing like this. Yet you have heard here that an Indian cannot hold an appointment in a province of India. I cannot understand how anybody can put forward a claim of that kind. Try and do it if you can by some other means, but for a member of the Legislature to get up, and specially a member who is the loudest with slogans of nationalism, to claim that an Indian should be debarred in India from holding an appointment, is an absurd proposition which we can only hear from the members of the other

side. This Government recommended this rule up to a limit, but we consider also that in the interests of Bengal itself apart from other considerations, it will be fatal to have such rigid rules that under no circumstances you should have Indians from other provinces eligible for appointment in Bengal. There are Bengalees in Bihar who have been appointed in larger numbers than their numbers justify in that province. Recently, Sir, six appointments were made for Medical Service in the province of Bihar out of which four went to Bengali Hindus, though on a proportional basis they were not justified considering the number of Bengali Hindus domiciled there. The Biharees could have claimed that it was an undue representation given to the Bengalis. Similarly, in provinces other than Bengal, there are Bengali contractors and others who are being employed in those provinces. Retaliatory measures can be taken by those provinces if we go on in that fashion. These are matters which have got to be taken into consideration before honourable members start this agitation. It is true, it is a very helpful agitation to down the Muslim community and to condemn the present Government and thereby get a lot of support, lot of cheering, and perhaps a lot of votes when you stand for election; but I am sure that in the larger interests of Bengal this is not the thing which we should go in for.

Sir, I think I have been able to make out that these recruitment rules have been in existence from before this Government took office. Actually, no fundamental change has been made in those recruitment rules. Relaxations were permissible in certain services where there were no conditions whatsoever of domicile. Just in the same way, the University of Calcutta thought fit to appoint lecturers or professors of Sanskrit from other provinces. When the Calcutta University can think of appointing a German Professor for Mathematics, surely it cannot be argued that you could not find a Bengalee to be a Professor of Mathematics, and so had to recruit a professor from Germany for this purpose. You forgot India and you went out of India and brought a German out here to be a professor of the University. Why? Because you thought that it was necessary in the interests of the students. Similarly, what is wrong in it if it is decided that certain posts should be held by Muslims in this province, and if when we find that suitable Muslims are not available here, why suitable Muslims from other provinces in India—not from Egypt as my friend the Rai Bahadur said (Rai KESJAB CHANDRA BANERJEE Bahadur: It was not I; it was Khan Bahadur Saiyed Muazzamuddin who suggested it)—I do not see any reason why suitable Indian Muslims from other provinces should be debarred from Government appointment. I can understand this opposition if the honourable members over there had accepted the Muslim League scheme and said that Bengal was going to be an independent province. In that case, it would have been quite legitimate to say that “you cannot have any Muslim from other provinces——”

Mr. LALIT CHANDRA DAS: The League is for *Pakistan*.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not advocating the cause of *Pakistan* and the Muslim League has not gone in for *Pakistan* either. If you had recognised the principle that Bengal is for Bengalis, in that case it would have been right for this adjournment motion to be moved. But on the contrary, you want India to be one country for the Indians irrespective of caste, creed or colour—whether they come from Bengal, Punjab, Madras or Bihar. So, I do not see how honourable members can stand up here and argue in this fashion. It is absolutely illogical. I maintain that the honourable member who moved this motion has done a real service to the Government by introducing this motion, because it has been the subject-matter of considerable agitation in the Press and on the platforms outside this House. I hope the country will now realise that nothing extraordinary has been done and that the number of appointments that go outside the province of Bengal is extremely limited. As a matter of fact, throughout the whole period this rule will perhaps be enforced once or twice, and yet there has been such a great hue and cry—as if the entire non-Muslim Bengalis have been debarred from appointments and an impression has been sought to be created that Bengali young men have been debarred from Government service. It is an absolutely erroneous idea and merely helps to create public agitation on communal lines which my friends over there know best how to exploit.

Maulana MUHAMMAD AKRAM KHAN: মাননীয় সভাপতি, আমি আলোচ্য প্রস্তাব সম্বন্ধে মতামত প্রকাশ করবার জন্য উঠি নাই—উঠেছি, নিজের জ্ঞান বিশ্বাস মতে ললিত বাবুর একটা স্বাস্থ্য ধারণা সংশোধন করে দেওয়ার জন্য। তিনি আক্রমণমূলক ভাষায় বলেছেন “পাকিস্তানী”। কিন্তু এই বিশেষণ দ্বারা লীগপন্থীদেরকে আক্রমণ করবার পূর্বেই তাঁহার জানা উচিত ছিল যে উত্তর-পশ্চিম প্রদেশের কতিপয় মুসলমানের পাকিস্তান পরিকল্পনায় আর মোহলেম লীগের গৃহীত প্রস্তাবে আকাশ পাতাল পার্থক্য বিদ্যমান। পাকিস্তান পরিকল্পনায় প—অর্থে পাঞ্জাব, আ—অর্থে আফগানিস্তান, ক—অর্থে কাশ্মির ইত্যাদি। অর্থাৎ, উত্তর পাঞ্জাব, সীমান্ত প্রদেশ, কাশ্মির, বেলুচিস্তান ও আফগানিস্তান ইত্যাদির একত্রে সমাবেশ এবং ভারতের অন্য সব প্রদেশগুলিকে উপেক্ষা করে একটা নতুন মোহলেম তাঁরা গঠন কোর্টে চান। আর মোহলেম লীগের পরিকল্পনায় ভারতের বর্তমান ভৌগোলিক প্রদেশগুলিকে সাম্প্রদায়িক এলাকা অনুসারে নতুন করে গঠন করার প্রস্তাব করা হয়েছে মাত্র—পাকিস্তান পরিকল্পনা এ প্রস্তাবের ঋরিপন্থী। এ সম্বন্ধে ও তাঁরা যদি মুসলমানকে অন্যায়ভাবে পাকিস্তানী বলিয়া গাল দিতে থাকেন তাহলে প্রত্যুত্তরে মুসলমানরাও তাঁহাদিগকে না-পাকিস্তান বলে সম্বোধন কর্তে বাধ্য হবে।

ললিত বাবুর আক্রমণের আর একটা বিশেষণ হচ্ছে—Pan-Islamic. পাশ্চাত্য শত্রুদের দেওয়া মন্ত্র অনুসারে তিনি হয়তঃ মনে করবেন, পান-ইসলামিক বলে তিনি একটা বড় রকমের গাল মুছলমানদেরকে দিয়ে ফেলেছেন, কিন্তু তাঁর খুব ভাল করে জানা উচিত যে, Pan-Islamic is nothing but true Islamism. ইছলাম ধর্মের সব ধারণা-ধারণার সমস্ত কর্মসাধনার সকল ত্যাগ-তপস্যার কেন্দ্রীভূত প্রাণ-বস্তুই হইতেছে অথও বিশ্বমোসলেম ব্রাতৃস্থের এই জলন্ত ও জীবন্ত অনুভূতি—জগতের মুছল-মান মাত্রেই পরস্পরের ভাই। মুসলমান যতদিন মুসলমান থাকবে, কোরাণে তাঁর বিশ্বাস সত্য হইবে, ততদিন তাকে বিশ্বাস ও স্বীকার কোরতে হবে যে—ইন্নালাহু মোমেনুনা এখঅতুন। নিশ্চয় এ ছাড়া আর কিছু হতে পারে না, যে, জগতের সমস্ত মুসলমান এক অন্যের ভাই। মক্কার মুসলমানরা হেজরত করে যখন মদিনায় যান, ব্রাতৃস্থের এই অমোঘ স্বর্ণীয় নির্দেশ অনুসারে মদিনার মুসলমান তখন নিজেদের অর্ধেক সম্পত্তি পর্য্যন্ত তাঁদের ভাগ করে দেন। সুতরাং Pan-Islamism জিনিষটা সমস্ততঃ গালাগালির বিষয় নয়। ঠিক যেমন ভারতের সকল প্রদেশের সমস্ত হিন্দুই পরস্পরকে ভাই বলে বিশ্বাস করে থাকেন। এখানকার হিন্দু যদি সেরূপ বিশ্বাস না করেন তাহলে আমি বলবো—হিন্দু ধর্মের শিক্ষা তাঁদের মধ্যে শিথিল হয়ে গিয়েছে, হিন্দুদের আদর্শ হতে তাঁরা স্বলিত হয়ে পড়েছেন। তাঁদের এই জ্ঞানের অনুসরণ মুসলেম জাতি করতে পারে না। কোরলে জাতি হিসাবে তাঁরা বাঁচতে পারে না।

আমার বন্ধু কামিনী বাবুর কাছে এখন আমি একটা কথা নিবেদন করে বলতে চাই। তিনি নিজের বক্তৃতায় যে ইংরাজী “নেশন্” শব্দ ব্যবহার করেছেন, তাঁর প্রকৃত সংজ্ঞা কি? বানান করে যে দু একখানা পুঁথিপুস্তক পড়েছি, তাতে দেখেছি—নানা মূর্খীর নানা মত। অধিকাংশের মতে নেশন্ গঠিত হয় ধর্ম, সংস্কৃতি ও ঐতিহ্যের উপ-করণ উপাদানের দ্বারা। ধর্ম, ঐতিহ্য ও সংস্কৃতিতে মুছলমান ভারতের অ-মুছলমান হতে সম্পূর্ণ স্বতন্ত্র। সুতরাং মুছলমানদিগের একটা separate nation create করার কোন প্রশ্নই এখানে উঠতে পারে না, separate nation is already there। সুতবে ভারতের স্বতন্ত্র স্বতন্ত্র nation-এর অস্তিত্ব বিদ্যমান আছে বোলে যে দেশে বৃহত্তর স্বার্থ স্বয়ং সর্ববদাই তারা কলহশীল ও আত্মবিস্মৃত হয়ে থাকবে, দেশের মঙ্গল ও মুক্তি স্বয়ং উদাসীন হয়ে চোলেবে,—তার কোন কারণ নাই। কাল কাগজে পোড়লাম—আমেরিকার সমস্ত নেশন এক যোগে এই অভিমত প্রকাশ করেছে। সুতরাং এটা আমার মতে শব্দের লড়াই বা অনর্থক ন্যায়ে কচুকটি ছাড়া আর কিছুই নয়। এ কচুকটির প্রশ্ন দিয়ে বাস্তব সত্যকে অস্বীকার করা হচ্ছে মাত্র এবং আমার মতে এইটাই হচ্ছে আমাদের দেশের সর্বপ্রধান অভিযাপ। যা হোক কামিনী বাবুকে সজ্ঞাসা করি—নেশন্ কথার বাংলা মানে কি? জাতি? কিন্তু সংস্কৃত জাতি তো এ ক্ষেত্রে অচল, ললিত পত্রে দেখি—একদিকে জাতি মুসলমান অন্য দিকে জাতি কায়স্থ, জাতি নমশূদ্র ইত্যাদি। তারপর নারী জাতি, গো জাতি, মানব জাতি, ইত্যাদি।

• **Mr. LALIT CHANDRA DAS:** Mr. President, Sir, it has not been my lot to hear a more half-hearted speech from the mouth of the Hon'ble the Home Minister than what I have heard to-day. The

reason is not far to seek. He has a very weak case to defend. He knew that I was protesting against men from outside Bengal being appointed to the services in Bengal when competent Bengalis were available. The Home Minister did not agree with me when I had proposed on a previous occasion that all Indians possessing very high efficiency should be appointed and that all posts should be thrown open to the best candidates. To this, neither the Home Minister nor the Chief Minister would agree. When the question of settlement of the communal ratio in the public service came up, that was the real ground on which the greatest opposition was offered. But in spite of that, certain decisions were arrived at and the communal ratio in the public service was settled, that for the Muhammadans having been fixed at 50 per cent. Now, that is a thing with which it is not for the present motion to quarrel; this motion has been brought forward because the present policy of the Government raises a peculiar communal issue. Sir, on a previous occasion Government wanted to shelve matters when pressed by us on account of the prevailing war conditions, but in spite of these conditions prevailing in the country at the present moment, Government have been able to formulate this policy and to give effect to it. Government have been able to call a session of this Legislature so that in spite of the war conditions now prevailing, Government may get through the Legislatures such contentious and controversial measures as the Calcutta Municipal (Amendment) Bill and the Bengal Secondary Education Bill. All these are highly objectionable.

Sir, so far as this policy of recruitment of Muslims from outside Bengal is concerned, it has raised a very important issue. The issue is not one of providing the really best Indians with posts, but the issue is whether Government should go outside and find out men of a particular community to give them jobs. They intend to do so not with the object of finding out the best Indians; if it had been the case, they must make the best endeavour to select the best men. If no Hindu candidate is available, Government should try to find out a competent Muslim; but if no suitable candidate of the province is available, either Hindu or Muslim or one of any other community, then Government should go outside and throw open the vacancy to the best Indian candidate available, irrespective of caste, creed or colour. But that has not been done. The Hon'ble the Home Minister knows that when suitable Muslims are not available, competent Bengalis of any other community will be available but instead of throwing open the vacancies to such non-Muslims of Bengal, it is his policy now to go outside Bengal and select non-Bengali Muslims in preference to competent non-Muslims of Bengal. There is the rub. The Hon'ble the Chief Minister has quoted certain figures. These figures show that attempts had been made to bring in candidates from outside only when no suitable candidate of a particular community or of any other community was

available. That is a sound proposition to which I have no objection; but what has now been proposed is highly objectionable. Instead of selecting the best Bengali candidate available for a vacancy, Government now propose to go outside Bengal in order to find out candidates of the particular community for which the post was ear-marked. The Hon'ble Mr. Fazlul Huq's defence of the present rule by the doctrine of Muslim brotherhood is unworthy of the Chief Minister of Bengal. Sir, I ask the Hon'ble the Home Minister to explain rule 4 of the Bengal Public Services (Communal Ratio) Rules, 1940. The Home Minister instead of reading out that section tried to evade it by saying that I must point out to him the rule which debars him from going beyond Bengal in search of Muslim candidates. I say, Sir, that I point out to him the Government Communiqué of June, 1939, which I would advise him to read carefully. By that communiqué the communal ratio was fixed between the different communities of Bengal with respect to the public services in Bengal. A certain ratio was fixed for the Muslims of Bengal but no ratio was fixed for Muslims outside Bengal. I think to this statement of mine, the Home Minister cannot at all take any exception. Section 4 of the Public Services (Communal Ratio) Rules referred to the decisions arrived at in June, 1939. If the decision of June, 1939, actually settled the ratio between Muslim Bengal and non-Muslim Bengal, how is it that section 4 of the Public Services (Communal Ratio) Rules can really apply to the people outside Bengal? Let the Hon'ble the Home Minister answer my query. I say, it is illegal; I say, it is unfair, to say the least of it, to misread section 4 and extend its operations beyond Bengal.

Now, Sir, so far as my other friends, Khan Bahadur Naziruddin Ahmad and Prof. Kabir are concerned, I would say one word or two. My friend, the Khan Bahadur, travelled beyond his points. He did not speak anything on the subject at all. What he actually spoke was about the Europeans. If he had cared to read the communiqué of June, 1939, he would find that in the first paragraph of that communiqué it has been laid down that excepting services where Europeans and others are eligible, the rule is made applicable to Muslims and non-Muslims of Bengal in relation to public services in Bengal, so that his reference to Europeans was uncalled for and superfluous and was not applicable to the facts of the present case.

Now, Sir, with respect to Prof. Kabir, it appears to me that Prof. Kabir did not actually read the wordings of the present policy enunciated by Government. He was saying that the best Indian should be brought in in the field of education and in the other technical services under the Government. To that proposition nobody demurs. We have always agreed, and even now agree, that as a matter of fact in respect of all appointments, whether in the Department of Finance or Commerce or Engineering or Medical, all these posts should be

thrown open to the best Indians available according to their qualifications, but the objection came from Muslim Bengal. So far as that objection was concerned, they decided it by the communiqué of June, 1939. So, I submit, Sir, that so far as the argument of Prof. Kabir is concerned, we are in agreement with him that the best available Indian should be brought in for every service. But the Government of Bengal objected to this and settled first the communal ratio and secondly the present rule which is highly objectionable.

With these words, Sir, I resume my seat.

Mr. PRESIDENT: The Hon'ble Home Minister has his right of reply. Will he exercise that right?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir,

Mr. PRESIDENT: The question before the House is: that this Council do now adjourn.

(The motion was negatived.)

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. on Tuesday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 30th July, 1940.

Members Absent.

The following members were absent from the meeting held on the 29th July, 1940:—

- (1) Mr. Narendra Chandra Datta.
- (2) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (3) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (4) Alhaj Khan Bahadur Shaikh Muhammad Jan.
- (5) Khan Bahadur Muhammad Asaf Khan.
- (6) Rai Bahadur Brojendra Mohan Maitra.
- (7) Dr. Radha Kumud Mookerji.
- (8) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 30th July, 1940, at 2-15 p.m. being the third day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Extension of the service of the Head Clerk of the Public Health Department.

14. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department, kindly state—

(a) if the Head Clerk of the Public Health Department is on extension; and

(b) if he had been given any extension before; if so, for what period?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): The Head Clerk attained the age of 55 years on 15th October, 1938. Under Fundamental Rule 56(b), he was not called upon to retire on that date as the exigencies of public service necessitated his retention. He was retained at first for one year from 15th October, 1938; then for six months from 15th October, 1939; and finally for one year again from 15th April, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state what was the special exigency of public service for which he was given extension for three times?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As the honourable member is probably aware, ministerial officers do not actually attain the age of superannuation at the age of 55. Their age of retirement under the Fundamental Rules is 60 years, but Government retain the right of asking them to retire before 60 and after 55. Government

considered this ministerial officer to be especially useful to the department and naturally they did not like to ask him to retire at the age of 55.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Government aware that a resolution was passed in the Legislature that there should be compulsory retirement on completion of thirty years' service?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That resolution has not yet been accepted by Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Government aware that that is a decision of the Legislature to which the Ministers are responsible?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe that was the opinion of a large section of the Legislature.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Was it not the opinion of the majority of the Legislature?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that matter is under the consideration of Government and they have not been able to come to a final decision. Government have to consider the cases of clerks who would be adversely affected by this decision and their number is large. Government could not come to a decision without taking all aspects of the question into consideration and the repercussions which they may have.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether the question of compulsory retirement comes in at the age of 55 and not at the age of 60, as stated by the Hon'ble Minister, under the ordinary rules?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Ordinarily, a ministerial officer has the right to serve upto the age of 60 and it is only in special circumstances that Government can call upon him to retire at the age of 55.

Mr. HUMAYUN KABIR: Is it open to the Hon'ble Minister to say that a decision of the Legislature is not binding on the Ministers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have never said that.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether if a resolution is carried in the Legislature, that is not an expression of opinion of the House binding on the Ministers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have just said that the whole question is under examination and consideration of Government. Government have not yet come to a decision one way or the other.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when this resolution was passed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Mr. HUMAYUN KABIR: Is it not a fact that the resolution was passed about two years ago?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, my memory fails me here.

Khan Bahadur, SAIYED MUAZZAMUDDIN HOSAIN: It is stated in the answer that the extension has been given finally for one year. Are we to take it that this is the last extension granted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Appointment of Police Surgeon for Calcutta.

15. Rai Bahadur BROJENDRA MOHAN MAITRA: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

- (a) whether a notice was issued demanding certain qualifications as essential for the post of the Police Surgeon, Calcutta, on the requisition of the Public Service Commission;
- (b) whether several applications were received from candidates holding high academic qualifications including some F.R.C.S., but there was not a single application from any qualified Muhammadan;
- (c) whether the Public Service Commission recommended the appointment of the best candidate who was not a Muhammadan and whether this recommendation was vetoed by the Government;

- (d) whether the Government subsequently lowered the qualifications and declared three years' House Surgeon's experience at Calcutta Medical College as sufficient qualification for the very responsible post of Police Surgeon for Calcutta with a view to get in a Muhammadan candidate for the post; if not, why was the qualification lowered;
- (e) whether students who have just passed the Final M.B. Examination of the Medical College are taken in as House Surgeons generally; and
- (f) whether Government will give up communal considerations and will appoint the candidate recommended as the best available by the 'Public Service Commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) Yes, an advertisement was issued by the Public Service Commission inviting applications for the post.

(b) Yes. Two of the applicants were Muslims whom the Public Service Commission did not consider suitable.

(c), (d) and (f) The Public Service Commission considered three candidates to be suitable and recommended one of them for appointment. It was found, however, that the advertisement which had been issued was defective in certain respects and it was decided that the post should be advertised again. The terms on which the post will be re-advertised are under the consideration of Government and a revised advertisement will issue as soon as the terms have been settled.

(e) Yes, junior House Surgeons are recruited from students who have just passed the final M.B. Examination.

Dr. RADHA KUMUD MOOKERJI: May I have a definite answer to question under paragraph (f) because the answer given is not clear?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the matter is under consideration. As I have stated, the terms of the advertisement have not yet been settled.

Dr. RADHA KUMUD MOOKERJI: Paragraph (f) raises the question of principle for the appointment and the Government should give a straightforward answer to the very definite question that has been put here.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I maintain that the answer that the matter is still under consideration and that Government has not come to a decision as to the terms of advertisement, is a quite straightforward answer. .

Dr. RADHA KUMUD MOOKERJI: Am I to understand that the Government are still considering whether communal considerations should or should not prevail in the matter affecting the public health of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not know what makes the honourable member infer that communal considerations will still weigh with them.

Dr. RADHA KUMUD MOOKERJI: My point is very clearly stated in paragraph (f). The public at large wants to be assured whether Government will be actuated by communal considerations in filling up these posts which affect the public health of the whole province and the best men available should be taken.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not know what makes the honourable member infer that Government are out to do something which is not enjoined by the rules.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state who was the person recommended by the Public Service Commission for this appointment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that the person recommended by the Public Service Commission has foreign qualifications also and that he is a Hindu?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. LALIT CHANDRA DAS: Is he an F. R. C. S.?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He has got foreign qualifications, this much I can say.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what was the defect in the notice for which it had to be re-advertised?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. LALIT CHANDRA DAS: Arising out of paragraphs (c), (d), (e) and (f), will the Hon'ble Minister be pleased to state if it is the intention of Government to split up this post of the Police Surgeon—one for Junior House Surgeon and another for Lecturer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Police Surgeon does not do the work of a Lecturer.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is the intention of Government to split up the duties of the Police Surgeon?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The duties of the Police Surgeon are confined to hospitals.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if the post of the Police Surgeon is going to be split up into two, i.e., it is going to more than one candidate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot enlighten the honourable member definitely on that point; but Government have no such intention at present.

Compensatory allowance for the Assistant Surgeons employed in the Public Health Department.

16. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department kindly state—

- (a) whether the Assistant Surgeons employed in the Public Health Department are debarred from private practice;
- (b) if the reply to part (a) be in the affirmative, whether they are allowed any compensatory allowance on that ground;
- (c) whether members of the Bengal Medical Service who are debarred from private practice are allowed any allowance;
- (d) if the reply to part (c) be in the affirmative, why the Assistant Surgeons of the Public Health Department are not also allowed similar allowance?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) Yes.
(b) No.

(c) Members of the Bengal Medical Service who are debarred from private practice are generally allowed compensatory allowance in lieu thereof.

(d) The matter is receiving my consideration.

Abolition of the Civil Court of Bajitpur, Mymensingh.

17. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Judicial Department kindly state—

(a) if there is any proposal for abolition of the Civil Court of Bajitpur (district Mymensingh); and

(b) if the Government is aware that such abolition will cause great inconvenience to the poverty-stricken tenants of the *bhati* area?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) Yes; it is under consideration.

(b) Does not arise.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state how the question of the abolition of the civil court at Bajitpur arose?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: On the representation of the people there.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that there was an agitation against its abolition as well?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Has the matter been since enquired into by the District Judge?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Not yet.

Fixation of the price of raw jute.

10. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the reasons why the maximum price of raw jute was fixed at Rs.90 per bale of 400 pounds net weight and why the maximum price of hessians was fixed at Rs.21 for 100 yards of hessian cloth, forty inches wide and of eight ounces net weight per yard?

(b) Is it not a fact that such fixing of maximum prices has affected adversely the interests of growers of jute? What are the reasons for a contrary view?

(c) Is it a fact that in fixing the maximum price of raw jute, the Government looked solely to the interests of the jute mill-owners and manufacturers of jute products?

(d) Of the jute mill-owners in Bengal, how many are indigenous and how many foreign?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) The maximum prices quoted were "futures" prices and not prices of actual commodities. The reason for fixing these prices was to prevent speculators from forcing up prices to levels at which the danger of loss of foreign markets would have been so great as to be a menace to the whole industry including the growers.

(b) No. At no time since the promulgation of the Ordinance has there been any possibility of the maximum prices being reached and they have, in fact, been entirely inoperative. The theory that prices should be permitted to rise as high as the speculators can force them up is fallacious in view of the facts indicated in (a) above. An immediate and temporary gain cannot offset a permanent injury to the industry.

(c) Certainly not.

(d) The total number of owners or managing agents is 34, of whom 18 are indigenous.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether by fixing the "futures" prices of jute in the *fatka* market Government are legalising that speculative market?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is a matter of opinion, Sir.

Completion of work of the Agricultural Farm at Chittagong.

19. Mr. NUR, AHMED: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state when the work of the proposed Agricultural Farm at Chittagong would be completed?

(b) Is it a fact that about Rs. 30,000 and odd have already been spent on this project? Is it also a fact that the work has been stopped all on a sudden?

(c) If so, will the Hon'ble Minister be pleased to state why the work has been stopped?

(d) Is it a fact that the necessary sum of Rs. 50,000 and odd was provided in the last year's budget estimates and has again been provided in the budget estimates for 1940-41 and that the same has been authenticated by His Excellency the Governor of Bengal? If so, why the work is being delayed so much and the sum is not being spent to complete the project?

(e) Are the Government aware that there is an insistent demand for the proposed Agricultural Farm at Chittagong?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) The construction of buildings for the District Agricultural Farm at Chittagong is expected to be finished by August next and the farm will be started as soon as the buildings and lay-out are complete.

(b) to (d) A sum of Rs. 57,502 was provided in the Civil Works Budget for 1939-40 and the unspent balance of this amount was re-allotted in the current year's budget for the work which was in progress. I am not aware of the exact amount spent so far on the scheme. The work was temporarily suspended in March last in deference to the opinion of some members of the Legislature in regard to the utility of District Agricultural Farms in general but it was resumed in April and has since been proceeding with reasonable expedition.

(e) Yes.

Loans to the Agriculturists.

***21. Rai Bahadur MANMATHA NATH BOSE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) the total amount of agricultural loans advanced to agriculturists in the districts of Bankura and Midnapore in 1935-36, 1936-37, 1937-38, 1938-39, 1939-40, year by year;

*Question No. 20 was not put due to the absence of the Hon'ble Minister in charge.

- (b) the amounts of collection year by year;
- (c) the number of certificates issued for realisation of loans in each year;
- (d) the amounts of dues, principal and interest, outstanding on the 1st April each year; and
- (e) the number of certificate cases pending on the 1st July, 1940?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) to (e) The information is being collected and will be supplied as soon as possible.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state when the information asked for is likely to be supplied?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably, in the course of the next day or so.

All-weather road between Faridpur and Boalmari.

22. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

- (a) if he is aware that there is no all-weather road between Faridpur and Boalmari;
- (b) if his attention has been drawn to the inconvenience caused to businessmen as well as to the general public by the absence of such a road;
- (c) if any funds were allotted out of the Road Development Fund for the construction and maintenance of such a road; if so, when and with what result; if not, why not;
- (d) what steps, if any, have been taken by the Faridpur District Board for the construction of such a road by taking a loan from the Government; and
- (e) whether the Government propose to take early steps to provide such a road?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Yes.

(b) No.

(c) No. I can find no reference to the road in Mr. King's Report.

(d) No application for a loan to finance the construction of the road has been received by Government.

(e) No.

Mr. HUMAYUN KABIR: Arising out of (b), will the Hon'ble Minister be pleased to enquire into the matter now that his attention has been drawn to the absence of this road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I may explain the position to my honourable friend. As I have already stated, this road has not even been mentioned in the report of the Special Officer who drew it up in consultation with the Collector and the District Board. We can, therefore, infer that neither the District Board nor the District Officer nor the Special Officer considered it to be a road of sufficient importance. But if my honourable friend feels that there is a need for constructing the road in question, I think he ought to approach the District Board.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that this road forms part of the road which continues from Calcutta to Faridpur and is a continuation of the Calcutta-Jessore Road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I do not think my honourable friend is correct, because if that was so the road would surely have found a place in the report.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state whether there is any communication by water in this area?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I want notice.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that this police-station Boalmari is an important trade centre in the district of Faridpur?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir. I am aware of that.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister further aware that if there is no water road or water connection between the district headquarters and this important centre, businessmen as well as the public are bound to be inconvenienced?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

Sir, these are matters for which, I think, the District Board are responsible, and if the District Board do not consider this to be of sufficient importance, Government cannot be held responsible.

All-weather road between Faridpur and Bhanga.

23. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

- (a) if he is aware that there is no all-weather road between Faridpur and Bhanga;
- (b) if his attention has been drawn to the inconvenience suffered by the businessmen as well as the general public on account of the absence of such a road; and
- (c) if any fund was allotted out of the Road Development Fund for the construction and maintenance of such a road; if so, when and with what result; if not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) and (b) Yes.

(c) The Provincial Board of Communications has approved of a project to improve this road out of Bengal's share of the Central Road Fund. This project is now under the consideration of the Government of India.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what position this road held in the list of roads prepared by Mr. King?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

I think it was No. 1, and that was the place which was also assigned by the District Board as well as the Collector.

Mr. HUMAYUN KABIR: If this road was recommended as No. 1 road, will the Hon'ble Minister be pleased to state why it has not been taken up as yet?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

On account of shortage of funds. The scheme has been approved by the Board of Communication and forwarded to the Government of India. I may state here for the information of the honourable member that there are more than one district where the No. 1 road has not been

taken up. The small amount which we annually get from the Petrol Fund and the maximum capacity of the department will not allow us to take up all the No. 1 roads at the same time. If we had done so, it would mean very slow progress for each scheme.

Dr. RADHA KUMUD MOOKERJI: Will the Hon'ble Minister be pleased to state whether he will look into Mr. King's report and find out whether one of the main arterial roads of the province has been sadly neglected and is not mentioned in the report?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I know which road the honourable member has in mind?

Dr. RADHA KUMUD MOOKERJI: I specially have in view the road mentioned in question No. 22 where Mr. King's name is mentioned.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, we have passed over No. 22.

Dr. RADHA KUMUD MOOKERJI: Of course, all the questions refer to the same thing. My point is that Government is apparently basing its attitude and action on Mr. King's report, and my question is whether the Hon'ble Minister will be pleased to investigate Mr. King's report and see whether more provision can be allowed for the Faridpur district in view of the difficulties in the matter of road communication.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is not a question of making more provision for a particular district. I would like to give this House some idea of the amount involved in the completion of the schemes which we have taken in hand. The figure comes to about a crore and twenty lakhs, but the annual subvention which we get from the Petrol Fund comes to about 16 or 18 lakhs of rupees at the most.

All-weather road between Faridpur and Rajbari.

24. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Communications and Works Department, be pleased to state—

(a) if he is aware that there is no all-weather road between Faridpur and Rajbari;

- (b) if his attention has been drawn to the inconvenience suffered by the businessmen as well as general public on account of the absence of such a road;
- (c) if any fund was allotted out of the Road Development Fund for the construction and maintenance of such a road; if so, when and with what result; if not, why not; and
- (d) whether the Government propose to take early steps to provide such a road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) Yes.

(b) No.

(c) and (d) No sum has been allotted and it is unlikely that any will be for a very long time to come. Road development projects already sanctioned by the Government of India, or now awaiting sanction, like the Faridpur-Bhanga Road, will require all the funds that can be made available.

Mr. HUMAYUN KABIR: Arising out of (b), may we take it that the District Collector or the District Board did not make any representation in this matter to the Hon'ble Minister or his department?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

Sir, I believe this road has a place in the scheme prepared by the Special Officer. But, as I have already stated, it will not be possible for us to find sufficient funds to take it up.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the scheme prepared by Mr. King has been accepted *in toto*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

It is not a question of accepting a particular scheme *in toto* or not. I am personally very keen to see at least all the No. 1 schemes of the Report taken up at an early date.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister in that case look into this matter and also enquire from the District Board concerned if they are prepared to take any steps in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

Sir, in point of fact I know it will be extremely difficult for the District Board to take up the particular road scheme mentioned by my honourable friend.

Mr. HUMAYUN KABIR: Is it not a fact that other District Boards do maintain such roads?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I could not understand what my friend means by such roads. I think the best course would be for my honourable friend to approach the District Board. Government as a rule do not interfere in these matters.

Mr. HUMAYUN KABIR: Is it not the duty of Government to generally supervise the working of the District Boards?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is certainly the duty of Government to supervise the working of every District Board, but the choice of particular roads must be left to the District Board concerned which is a responsible body and Government should not force their decision on them.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is not Rajbari connected with Faridpur by railway direct?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir; I am told it is only an hour's journey.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: So, is it not of secondary importance that there should be an all-weather road between the two stations?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is the reason why it has not found a high place in the report.

Mr. HUMAYUN KABIR: In that case how are we to take the statement of the Hon'ble Minister that this road is more important than the other road mentioned in the previous question?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Well, Sir, the reason is obvious; one has a place and the other has no place in the Report. That is all.

Excise shops in the Burdwan district.

25. Khan Bahadur ATAUR RAHMAN: (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state how many excise shops fell vacant in Burdwan district since the 1st March, 1940?

(b) How many of the vacant shops were leased to Moslems?

(c) What is estimated to be the income of each of the excise vendors in Burdwan district?

(d) Will the Hon'ble Minister be pleased to mention the name of the vendor against each shop?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) Five shops.

(b) One shop.

(c) and (d) Apart from the question of labour involved in collecting the information, Government do not consider it to be either in the interest of the Excise Department or of the vendors to supply the information.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state whether there were any applicants for the other four shops which were leased to the Hindus?

The Hon'ble Mr. PRASANNA DEB RAIKUT: We addressed the Secretary of the Muslim Association but we did not get any reply.

Mr. KADER BAKSH: Arising out of (c) and (d), will the Hon'ble Minister be pleased to state how the Excise Department will be adversely affected if the names of the vendors are published?

The Hon'ble Mr. PRASANNA DEB RAIKUT: We must protect the vendors' interests.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state how the interests of any particular vendor will be affected if his name is published or mentioned for the information of the members of this House?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The honourable member ought to know that the Income-Tax Department do not give such information regarding the assesseees.

Khan Bahadur ATAUR RAHMAN: Sir, we could not follow the reply given to the last supplementary question put by Mr. Kader Baksh, viz., how the interests of the excise vendors will be affected if their names are known. The excise vendors' names are known to everybody in the district, and if they are published here we cannot follow what difference it makes. Will the Hon'ble Minister be pleased to give us a proper answer?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, the honourable member, says that the income of each vendor is known in the district, but I fail to understand how the income can be known.

Khan Bahadur ATAUR RAHMAN: I do not know what are the difficulties of the Excise Department to get the amount of income which each assessee gets. Even if the Hon'ble Minister does not give the names of the five shops, four of which were given to Hindus and one to a Muslim, he can at least give the annual income of these shops. Is it very difficult for the Excise Department to collect that information?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I do not say it is very difficult, but the department does not consider it advisable to give out the names.

Khan Bahadur ATAUR RAHMAN: It may not be in the interest of the department, but it is in the interest of the public. Is the Hon'ble Minister aware that recently the Excise Department have decided that in some districts a certain percentage of the income of the vendors will be given to the War Fund? If they cannot gather information about the income of the vendors, how can they give a certain percentage of their income to the War Fund? So, it is very easily available if the Hon'ble Minister only wanted to give us this information. May we request the Hon'ble President to impress on the Hon'ble Minister to give us the information which is easily available to him?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware that as the income varies according to the sales of liquor, therefore, it is not possible to publish the income?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, that is so. Sir, I do not deny that information relating to these incomes can be supplied, but as I said in my reply, I do not think it advisable to do so.

(At this stage, the Raja Bahadur of Nashipur crossed the floor and came over to the seat of the Hon'ble Sir B. P. Singh Roy.)

Mr. PRESIDENT: Order, order. The Leader of the Progressive Party has crossed the floor. He is not entitled to do so unless he changes his political views and joins the Treasury Bench.

Mr. HUMAYUN KABIR: Arising out of (d), will the Hon'ble Minister be pleased to state if the names of all the vendors in the district are not kept in the Collector's office?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, they are kept in the Collector's office.

Mr. HUMAYUN KABIR: In that case, will the Hon'ble Minister be pleased to state where is the labour involved in publishing that list in the Council, here?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Still there is much labour involved in getting all the information.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if he did not give us to understand some time ago that a circular will be issued to the effect that half the excise shops would be given to the Hindus and half to the Muhammadans?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he is aware that for Muhammadans to sell wine is *harram*?

(No answer: Laughter.)

Mr. PRESIDENT: Order, order. The House will now take up further discussion of the Special Motion relating to the Bengal Motor Vehicles Rules, 1940.

Mr. RANAJIT PAL CHAUDHURI: On a point of information, Sir. My question No. 22 has not been answered. May I know when it will be taken up?

Mr. PRESIDENT: The Hon'ble Minister in charge of the Home Department informed me that he might not be able to come during the question hour. So, the question has been postponed.

Special Motion relating to Amendments to the Bengal Motor Vehicles Rules, 1940.

Mr. PRESIDENT: The Motor Vehicles Rules were being discussed yesterday when it had to be stopped for taking up the motion for adjournment. The House knows that there was a joint conference of both the Chambers which submitted its report. But the statutory period of 14 days during which the Legislature had the right to make amendments, if any, having now expired, the Council has no more

legal right to amend the rules. So, it has been decided to adopt the procedure of making recommendations on the understanding that the Government will incorporate them in the Bengal Motor Vehicles Rules.

So far as the scope of the Special Motion is concerned I hold that it is very wide, because any member is entitled to propose amendments for alteration, addition or omission of any rule suggested by the joint conference. Now, I shall take up the amendments proposed by the hon'ble members to the different rules *seriatim*.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 2, a new paragraph (f) providing that the term "District Magistrate" includes an "Additional District Magistrate," be inserted.

Mr. PRESIDENT: Amendment moved: that in rule 2, a new paragraph (f) providing that the term "District Magistrate" includes an "Additional District Magistrate" be inserted.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. I think it was decided that the term "District Magistrate" shall include "Additional District Magistrate." How is it then that this clause is proposed to be inserted now? Will the Home Minister please explain?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is necessary because there are certain occasions when the term "District Magistrate" does not include "Additional District Magistrate."

Mr. LALIT CHANDRA DAS: I think there was an agreed decision in the Lower House on that point; so what are we doing here?

The Hon'ble Khwaja Sir NAZIMUDDIN: We are moving as amendments those things which we have accepted in the Lower House. Unless we do so, the rules cannot be accepted. So, they will have to be put in the form of amendments to be passed by this House.

Mr. PRESIDENT: The question before the House is: that in rule 2, a new paragraph (f) providing that the term "District Magistrate" includes an "Additional District Magistrate," be inserted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 9 (b), for the words "two members of that authority selected by him," the words "two members of that authority elected by it from time to time," be substituted.

Mr. PRESIDENT: Amendment moved: that in rule 9 (b), for the words "two members of that authority selected by him," the words "two members of that authority elected by it from time to time," be substituted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 9 (c) (1) (i), for the words "selected by him", the words "elected by it from time to time" be substituted.

Mr. PRESIDENT: Amendment moved: that in rule 9 (c) (1) (i), for the words "selected by him", the words "elected by it from time to time" be substituted.

(The amendment was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest one thing for your consideration, Sir? In view of the fact that there is no likelihood of any opposition, the Hon'ble Minister may be allowed to move the amendments in groups?

Mr. PRESIDENT: But he shall have to place the amendments before the House. However, I will allow him to move the amendments in groups.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that after rule 9 (c), the following sub-rule (d) be added:—

"(d) The provisions of section 5 and section 12 of the Indian Limitation Act, 1908, will apply to appeals under sub-rule (c)."

Mr. PRESIDENT: Amendment moved: that after rule 9 (c), the following sub-rule (d) be added:—

"(d) The provisions of section 5 and section 12 of the Indian Limitation Act, 1908, will apply to appeals under sub-rule (c)."

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I understand that Mr. Nur Ahmed will not move any of his amendments.

Mr. PRESIDENT: Mr. Nur Ahmed, may I take it that you will not move any of your amendments?

Mr. NUR AHMAD: Yes, Sir. I will not move any amendments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 10 (a), the words and figure "rule 8 or" be deleted and for the words "two rupees", the words "one rupee", be substituted.

Mr. PRESIDENT: Amendment moved: that in rule 10 (a), the words and figure "rule 8 or" be deleted and for the words "two rupees", the words "one rupee" be substituted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 10 (c), after the word "prefer" and before the words "and shall make an order accordingly", the words "or make any amendment consequential or incidental or that may be just or proper" be inserted.

Mr. PRESIDENT: Amendment moved: that in rule 10 (c), after the word "prefer" and before the words "and shall make an order accordingly", the words "or make any amendment consequential or incidental or that may be just or proper" be inserted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 13 (d), for the words "five rupees", the words "three rupees" be substituted.

Mr. PRESIDENT: Amendment moved: that in rule 13 (d), for the words "five rupees", the words "three rupees" be substituted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move—that in rule 14 (c), the words "if the licence is more than five years old and in other cases five rupees" be omitted;

that in rule 16 (a), for sub-rule (a) the following be substituted:—

"(a) When the holder of a licence has submitted the licence to a licensing or other authority for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee, or when a police officer or any Court has taken temporary possession of a licence for any purpose other than that of sub-section (2) of section 129 of the Act and the licence has not been suspended or cancelled the licensing or other authority or the police officer or the Court, as the case may be, shall furnish him with a receipt for the licence and temporary authorisation to drive in Form L Tem. When a police officer seizes a licence under sub-section (2) of section 129 of the Act,

he shall give to the person surrendering the licence the temporary authorisation to drive under sub-section (3) of the said section also in Form L Tem. During such period as may be specified in Form L Tem. the production thereof on demand shall be deemed to be production of the licence";

that in rule 22, the following sub-rule (h) be added:—

“(h) Any person aggrieved by an order of refusal made by the licensing authority under sub-rule (b) may, within thirty days of the communication to him of the order, appeal—

(i) where the licensing authority is the Deputy Commissioner of Police, Public Vehicles Department, to the Commissioner of Police, Calcutta;

(ii) where the licensing authority is the District Magistrate, to the Commissioner of the Division.

The procedure laid down in Rule 10 for the conduct and hearing of appeals shall apply to all appeals preferred under this sub-rule”;

that in rule 23, for the words “one month and three months”, the words “three months” and “six months” be substituted;

that in rule 29, the words beginning from “graders” to the end of the rule, be omitted;

that in rule 30 (f), for the words and figures “25 per cent.” and “50 per cent.”, the words and figures “125 per cent.” and “150 per cent.” respectively be substituted;

that in rule 33 (a), for the words “two rupees”, the words “one rupee” be substituted;

that in rule 33 (c), after the words “as the case may be” and before “and shall make an order accordingly”, the words “or make any amendment consequential or incidental or that may be just or proper” be inserted.

Mr. PRESIDENT: Amendments moved:

that in rule 14 (c), the words “if the licence is more than five years old and in other cases five rupees” be omitted;

that in rule 16 (a), for sub-rule (a) the following be substituted:—

“(a) When the holder of a licence has submitted the licence to a licensing or other authority for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee, or when a police officer or any Court has taken temporary possession of a licence for any purpose other than that of sub-section (2) of section 129 of the Act and the licence has not been suspended or cancelled, the licensing or other authority or the police officer or the

Court, as the case may be, shall furnish him with a receipt for the licence and temporary authorisation to drive in Form L Tem. When a police officer seizes a licence under sub-section (2) of section 129 of the Act, he shall give to the person surrendering the licence the temporary authorisation to drive under sub-section (3) of the said section also in Form L Tem. During such period as may be specified in Form L Tem. the production thereof on demand shall be deemed to be production of the licence”;

that in rule 22, the following sub-rule (h) be added:—

“(h) Any person aggrieved by an order of refusal made by the licensing authority under sub-rule (b) may, within thirty days of the communication to him of the order, appeal—

(i) where the licensing authority is the Deputy Commissioner of Police, Public Vehicles Department, to the Commissioner of Police, Calcutta;

(ii) where the licensing authority is the District Magistrate, to the Commissioner of the Division.

The procedure laid down in Rule 10 for the conduct and hearing of appeals shall apply to all appeals preferred under this sub-rule”;

that in rule 23, for the words “one month and three months”, the words “three months and six months” be substituted;

that in rule 29, the words beginning from “graders” to the end of the rule, be omitted;

that in rule 30 (f), for the words and figures “25 per cent.” and “50 per cent.”, the words and figures “125 per cent.” and “150 per cent.” respectively be substituted;

that in rule 33 (a), for the words “two rupees”, the words “one rupee” be substituted;

that in rule 33 (c), the words “or make any amendment consequential or incidental or that may be just or proper” be inserted after the words “as the case may be” and before the words “and shall make an order accordingly.”

(The amendments were agreed to.)

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, I beg to move—

that in rule 41 (b), the words “sixteen rupees except in the case of a motor cycle and invalid carriage when the fee shall be five rupees” be omitted and the words “half the registration fee” be substituted;

that in line 2 of rule 47 (a), for the words “a province”, the words “the province” be substituted;

that in rule 50, words commencing from "graders" occurring in line 2 to the end of the rule, be omitted; and

that rule 54 be omitted.

Mr. PRESIDENT: Amendments moved: that—

in rule 41 (b), the words "sixteen rupees except in the case of a motor cycle and invalid carriage when the fee shall be five rupees" be omitted and the words "half the registration fee" be substituted;

in line 2 of rule 47 (a), for the words "a province", the words "the province" be substituted;

in rule 50, words beginning from "graders" occurring in line 2 to the end of the rule, be omitted; and

that rule 54 be omitted.

(The amendments were agreed to.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:

Mr. President, Sir, I beg to move that in rule 60 (a) (iv), before the words "the Muslim Chamber of Commerce", the following words be inserted:—

"Marwari Chamber of Commerce."

Sir, the reason for this amendment is very obvious. Under rule 60 (iv), it has been said that the provincial transport shall consist of Bengal Chamber of Commerce, Indian Chamber of Commerce, Bengal National Chamber of Commerce and the Muslim Chamber of Commerce. Sir, one Chamber of Commerce, that is, the Marwari Chamber of Commerce, which has long been in existence not only in the province but which has also been recognised even by the British Parliament, and which under the Government of India Act has been allotted a special seat in the constitution of the Provincial Legislature has been left out. There can be no doubt that it is one of the most important bodies in the province so far as trade and commerce are concerned. The Marwari Chamber of Commerce not only deal in motor business, but they are also dealers and consumers of motor vehicles. Thus, it is justifiable that they should be given representation when so many other Chambers of Commerce have been given representation.

I understood that the omission was due to the fact that they had not sent their representation to Government in proper time, but I now understand that they have already sent in their representation to Government. So, I think there cannot be any objection on the part of the Government to insert their name.

Mr. PRESIDENT: Amendment moved: that in rule 60 (a) (iv), before the words "the Muslim Chamber of Commerce", the following words be inserted:—

"Marwari Chamber of Commerce."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid, I have to oppose the amendment of the Raja Bahadur on the following grounds. First of all, a large number of persons are already proposed to be on the Board, so that it is going to be an unwieldy body; and secondly, as pointed out by the Raja Bahadur, the Marwari Chamber of Commerce did not put in their claims in time, though the rules had been before the public for nearly a year. That shows that the Marwari Chamber of Commerce did not take much interest in the Motor Vehicles Rules.

Then, there is another question. The Indian Chamber of Commerce has been given representation on the Board. The majority of the members of the Marwari Chamber of Commerce are members of the Indian Chamber. At any rate, the interests of the Marwari Chamber of Commerce and the Indian Chamber of Commerce are practically identical. So, on these grounds, I venture to oppose this amendment and I hope the Raja Bahadur will withdraw his amendment.

Dr. RADHA KUMUD MOOKERJI: Sir, I rise to record my emphatic support in favour of the amendment just now moved by the Raja Bahadur of Nashipur. My reasons are quite simple, and I am sorry to say that I am not at all influenced by the very weak arguments advanced by the Leader of the House.

My first point is that the Government should not take any action on the mere fact that the Marwari Chamber of Commerce has been late in making its representation. The matter, in fact, is still open to discussion, and so long as we know in this House that the Marwari Chamber of Commerce has made a proper representation on the subject, we are bound in this House to take note of that. I think Government cannot say that the representation made by the Marwari Chamber of Commerce is barred by time.

My next point is that the Marwari Chamber of Commerce is an influential body that has been recognized by the Government of India Act itself. Now, if it is regarded as eligible for all kinds of franchise and representation on the various public bodies in the province, I do not see why the Marwari Chamber of Commerce should be omitted from any consideration so far as this most important matter about the public vehicles is concerned. The Marwari Chamber of Commerce is vitally interested in the problems of transport by means of motor vehicles. We all know how the countryside has been opened up by bus service which is generally very efficiently managed and very adequately financed by Marwari gentlemen in commerce and business. Therefore, I do not see why they should be penalised. I do not think that the addition of one member will make the body very unwieldy, and specially considering the standing of the Marwari Chamber of Commerce I think it is very invidious that they alone should be singled

out for expulsion from this body with the activities of which they are so vitally connected. I do hope, Sir, that the Government will be considerate enough in waiving the very technical point raised that the Marwari Chamber of Commerce did not send up its representation in time. Nothing is too late in law, and we are here to consider such matters up to the last moment till the legislation is passed. The Hon'ble Home Minister assured us just now that we all should be competent in bringing forward amendments at this stage. We are really considering the rules for the last time, and I think this small addition of only one member cannot be objected to. I understand, Sir, that there is an amendment even for the addition of another seat to this so-called unwieldy body. If it is so, the Hon'ble Leader's argument absolutely falls to the ground. I do not think that any cogent argument has been advanced to show why such an important body as the Marwari Chamber of Commerce should have no place in the governance of this important industry.

Rai Bahadur MANMATHA NATH BOSE: I think, Sir, I need not make any lengthy speech on this occasion, but if the proposal of the Hon'ble Minister is to introduce the Indian Road and Transport Development Association, then I do not see why there should be any objection to bringing in the Marwari Association. As a matter of fact, if the Government is prepared to bring in another member, I think the Marwari Association should also be taken in.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we went into this question also in the conference, and I may point out to the House without going into the merits of the point relating to the importance of the Marwari Chamber of Commerce—which I do not in any way want to dispute—that the rules were published about six months ago. They were before the country, and then they were discussed at the last session when they were referred to a joint conference. It took us two months to deal with them in the joint conference. Throughout this time no interest was taken whatsoever by the Marwari Chamber of Commerce. On the other hand, in the rules that were published, the Indian Chamber of Commerce did not get any representation, but they came up to us, not only made representation in writing but saw me and other members, and put up their claim. We went into the matter and decided to include them. As far as the Marwari Chamber of Commerce is concerned, Sir, we have seen no signs of any interest whatsoever even up to the end of the submission of the report of the joint conference—speaking subject to correction. I did not receive any representation from the Chamber itself saying that they wanted this thing to be done.

Dr. RADHA KUMUD MOOKERJI: We are now approaching the Government on their behalf.

The Hon'ble Khwaja Sir NAZIMUDDIN: I say that if the Chamber of Commerce is not interested in this matter, others should not press its claim.

Mr. SHRISH CHANDRA CHAKRAVERTI: They have already made a representation.

The Hon'ble Khwaja Sir NAZIMUDDIN: May have done so since the submission of the report. It was certainly not done while the report was under discussion, and I submit that if you thrust and foist representation on it—

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of information. I have received a copy from the Marwari Association saying that they have sent their representation to Government on 12th May, 1940, and they sent a copy of that to me.

Mr. PRESIDENT: Representation to whom?

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: To Government.

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, as I said, I spoke subject to correction. I say that there is no keenness on their part. You are thrusting it on them and the result will be that either they will take no interest, or they will be taking a person who will be taking no interest.

Mr. HUMAYUN KABIR: It does not matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: You increase your body unnecessarily and your balance goes. Then others will come up with their claims.

Dr. RADHA KUMUD MOOKERJI: I understand that the representation of the Marwari Chamber of Commerce was addressed to the Hon'ble the Home Minister on the 8th of May, 1940. I think that on a mere technical ground they should not be debarred.

The Hon'ble Khwaja Sir NAZIMUDDIN: If it was on the 8th May, it was after the thing was turned down by the joint conference.

Dr. RADHA KUMUD MOOKERJI: But the joint conference went on after the 8th May; so they thought that they would be included automatically.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am prepared to reconsider the matter, although I still think that it would not be right to do so. In my opinion, no particular interest would be served by their inclusion.

Dr. RADHA KUMUD MOOKERJI: I think they should have a representation being a very important commercial community.

The Hon'ble Khwaja Sir NAZIMUDDIN: We must look at this question from the point of view of what interest a particular body has been taking in the matter. The Indian Chamber of Commerce as a commercial body has already been included, and I do not think any useful purpose would be served by including the Marwari Chamber in addition.

Dr. RADHA KUMUD MOOKERJI: Perhaps being politically backward, they did not think of moving in the matter at the right moment. But being very forward commercially, they might have expected to be included automatically.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Marwari Chamber of Commerce got representation in the Legislature probably on historical grounds but that is no justification why they should get a representation here also. Moreover, the Marwari business interest has got its representation in the Indian Chamber of Commerce which has been represented on this body. Therefore, if the Marwari Chamber gets further representation, it would practically amount to double representation.

Dr. RADHA KUMUD MOOKERJI: But in our present constitution, there is double representation in some form.

The Hon'ble Khwaja Sir NAZIMUDDIN: If it is pressed on that ground, then I must oppose the motion. If this is allowed in favour of the Marwari Chamber of Commerce, it would be unfair to the Bengal Chamber of Commerce as well as the Bengal National Chamber of Commerce. Marwari commercial interests have got adequate representation in the Indian Chamber of Commerce and, as such, I think no separate representation for them is necessary. It was on historical ground, as I have already said, that they got representation in the Legislature, but it is almost a dead body now. Even as a commercial

body they have not taken much interest in anything and in this particular matter they never came up and asked for any representation. Besides, only the other day it has been stated in this very House that everything concerning Bengal should be confined to this province.

Mr. LALIT CHANDRA DAS: Sir, I had no intention to take part in this debate so far as this amendment was concerned, but certain remarks of the Hon'ble Home Minister have compelled me to speak. He has said that so far as the representation of the Marwari Chamber of Commerce is concerned, it will be a case of double representation because the Marwaris are already represented in the Indian Chamber of Commerce. I want to remind the Hon'ble Minister that although the Europeans are getting representation in the Provincial Transport Board through the Bengal Chamber of Commerce, they are also getting another representation by the addition of a representative from the Indian Road and Transport Development Association. Here is a case of double representation which does not incense the Hon'ble Minister, but its very mention in support of the representation of another body upsets him.

Mr. J. B. ROSS: On a point of order, Sir. The representative of the Indian Road and Transport Development Association need not be a European at all.

Mr. LALIT CHANDRA DAS: The representative of the Indian Chamber of Commerce need not also be a Marwari at all. I submit, Sir, that the request for reconsidering the representation of the Marwari Chamber of Commerce should not be summarily rejected. It is not a matter which should upset the Hon'ble Minister at all. In view of the fact that the Marwari Chamber of Commerce has been recognised and given a seat in our Legislature and in view also of the fact that we are going to include a representative of the Indian Road and Transport Development Association in addition to the representation of the Bengal Chamber of Commerce, we shall be glad if a representative of the Marwari Chamber of Commerce is included.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the speech of Mr. Lalit Chandra Das has placed me in a great difficulty. It was only yesterday that Mr. Das declared that we must not bring in non-Bengalis here. But to-day like a clever lawyer he has changed sides and has asked for the representation of a non-Bengali community on this body. Dr. Radha Kumud Mookerji has followed suit. It is remarkable that although the Marwaris do not trouble themselves about their special representation, Mr. Das has assumed the role of a gratuitous champion of that community. He appears to be more

affectionate to the Marwaris than the Marwaris themselves. There is a Bengali saying which is expressed by a question and an answer. "Who loves the child more than its mother?" The answer is "the witch or the step-mother." Who loves the Marwaris more than the Marwaris themselves? One may conjecture that the answer might be "Dr. Radha Kumud Mookerji and Mr. Lalit Chandra Das."

Mr. AMULYADHONE ROY: Sir, Khan Bahadur Naziruddin Ahmad's speech does not convey the idea that he is opposing the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Please do not spoil the case further.

Mr. AMULYADHONE ROY: If a debate on the point spoils the case and makes Sir Nazimuddin go out of temper, then let it be spoiled.

Mr. PRESIDENT: Amendment moved: that in rule 60 (a) (iv), before the words "the Muslim Chamber of Commerce", the following words be inserted:—

"Marwari Chamber of Commerce."

(The amendment was negatived.)

Dr. RADHA KUMUD MOOKERJI: Are we to understand that Government will reconsider this point?

Mr. PRESIDENT: Order, order. The matter is closed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in rule 60 (a) (iv), the word "and" be deleted and the words "and the Indian Road and Transport Development Association" be added before the words "Muslim Chamber of Commerce".

Mr. PRESIDENT: Amendment moved: that in rule 60 (a) (iv), the word "and" be deleted and the words "and the Indian Road and Transport Development Association" be added before the words "Muslim Chamber of Commerce".

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move—

that in rule 60 (a) (vi), the words "and executive officer of the authority" be omitted;

that for rule 60 (c), the following be substituted, viz.:—

“At the first meeting of the Provincial Transport Authority after this sub-rule comes into force, the said authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at any meeting, the members present shall elect one of their number to act as Chairman”;

that for sub-rule 60 (d), the following be substituted:—

“(d) The Chairman, or the Deputy Chairman or any member acting as Chairman under sub-rule (c) shall have a second or casting vote in all cases of equality of votes”;

that in rule 60 (h), the word “nominated” in line 1 be omitted and after the word “authority”, the words “other than ex-officio member” be inserted, and for the word “nominated” in lines 3 and 5, the words “elected or appointed” be inserted.

Mr. PRESIDENT: Amendments moved:

that in rule 60 (a) (vi), the words “and executive officer of the authority” be omitted;

that for rule 60 (c), the following be substituted:—

“At the first meeting of the Provincial Transport Authority after this sub-rule comes into force the said authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at the meeting, the members present shall elect one of their number to act as Chairman”;

that for sub-rule 60 (d), the following be substituted:—

“(d) The Chairman or the Deputy Chairman or any member acting as Chairman under sub-rule (c) shall have a second or casting vote in all cases of equality of votes”;

that in rule 60 (h), the word “nominated” in line 1 be omitted and after the word “authority”, the words “other than ex-officio member” be inserted and for the word “nominated” in lines 3 and 5, the words “elected or appointed” be inserted.

(The amendments were agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move—

that in rule 61 (b) (i) (iv) in lines 2-3, the words “elected by the Commissioners at a meeting” be substituted for the words “nominated by the Provincial Government”;

that in rule 61 (b) (I) (v) in lines 1 and 2, the words "elected by the Councillors and Aldermen at a meeting" be substituted for the words "nominated by the Provincial Government".

Mr. PRESIDENT: Amendments moved:

that in rule 61 (b) (I) (iv) in lines 2-3, the words "elected by the Commissioners at a meeting" be substituted for the words "nominated by the Provincial Government"; and

that in rule 61 (b) (I) (v) in lines 1 and 2, the words "elected by the Councillors and Aldermen at a meeting" be substituted for the words "nominated by the Provincial Government".

(The amendments were agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move—

that for rule 61 (d), the following be substituted:—

"At the first meeting of the Regional Transport Authority after this sub-rule comes into force the said authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at the meeting, the members present shall elect one of their number to act as Chairman";

that for rule 61 (e), the following be substituted:—

"The Chairman or the Deputy Chairman or any member acting as Chairman under sub-rule (d) shall have a second or casting vote in all cases of equality of votes";

that in rule 61 (g), the word "nominated" be omitted and after the word "authority" the words "if such a member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct and after having given an opportunity to the member to be heard" be inserted;

that in rule 61 (h), the word "nominated" in line 1 be omitted and after the word "authority" the words "other than an ex-officio member" be inserted, and for the word "nominated" in lines 3 and 5, the words "elected or appointed" be inserted;

that in rule 61 (i), the word "nominated" in line 1 be omitted and after the word "authority" in line 1, the words "not being a servant of the Crown in India" be inserted;

• that in rule 61A, the following new rule be inserted:—

"61A. No person shall be a member of both of the Provincial Transport Authority and of a Regional Transport Authority";

that in rule 62¹(d), for the word "one-third" in last line but three, the words "one quarter" be substituted;

that in rule 62 (f), the words "voting may be by ballot if so decided by the authority" be added;

that after rule 62 (i), the following proviso be added:—

"Provided that when the Secretary has refused a permit such refusal shall be subject to the approval of the authority at its next meeting";

that in rule 65 (b), after the word "newspaper", the words "or newspapers" be added;

that in rule 66 (a), the word "either" in the fifth line of the sub-rule be omitted; also the word "may" in the penultimate line of the sub-rule be omitted;

that in rule 66 (c), before the word "either" in the fourth line, the words "and conduct his case" be inserted.

that in rule 71 for the existing rule the following be substituted:—

"(a) Subject to the provisions of section 63 of the Act, a Regional Transport Authority (hereinafter referred to as the original Transport Authority) may issue a permit other than a permit in Form P. St. P., a permit in Form P. St. S. and a permit in Form P. Co. S., having validity in any other region in the Province in accordance with any general or special resolution recorded by any other Regional Authority, and any permit so issued shall be of like effect in the region of the other Authority as if it were issued by that Authority provided always that the vehicles to which the permit refers are normally kept within the region of the original Transport Authority. When issuing the permit aforesaid the original Transport Authority may subject to the provision of sub-rule (b) attach conditions to the permit with effect to such other region and may vary conditions of the permit in different regions.

(b) An original Transport Authority may issue under this rule a contract carriage permit in Form P. Co. S. with effect in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport Authority under a contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire outside that region.

(c) The original Transport Authority which issues a permit with effect in any other region under this rule shall send a copy of the permit to the Authority of the other region.

- (d) Nothing in this rule shall affect the right of the holder of any permit to apply to any Regional Transport Authority for countersignature of a permit."

Mr. PRESIDENT: Amendments moved: that—

for rule 61 (d), the following be substituted:—

"At the first meeting of the Regional Transport Authority after this sub-rule comes into force the said authority shall elect one of the members to be the Deputy Chairman. If the Chairman is unable to attend a meeting, the Deputy Chairman shall act as Chairman at the meeting and in the absence of both the Chairman and the Deputy Chairman at the meeting, the members present shall elect one of their number to act as Chairman";

for sub-rule (e), the following sub-rule be substituted:—

"The Chairman, or the Deputy Chairman or any member acting as Chairman under sub-rule (d) shall have a second or casting vote in all cases of equality of votes";

in rule 61 (g), the word "nominated" be omitted and after the word "authority", the words "if such a member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct and after having given an opportunity to the member to be heard" be inserted;

in rule 61 (h), the word "Nominated" in line 1 be omitted and after the word "authority", the words "other than an ex-officio member" be inserted, and for the word "nominated" in lines 3 and 5, the words "elected or appointed" be inserted;

in rule 61 (i), the word "nominated" in line 1 be omitted and after the word "authority" in line 1, the words "not being a servant of the Crown in India" be inserted;

in rule 61A, the following new rule be inserted:—

"61A. No person shall be a member both of the Provincial Transport Authority and of a Regional Transport Authority";

in rule 62 (d), for the word "one-third" in last line but three, the words "one quarter" be substituted;

in rule 62 (h), the words "voting may be by ballot if so decided by the authority" be added;

in rule 62 (i), the following proviso be added:—

"Provided that when the Secretary has refused a permit such refusal shall be subject to the approval of the authority at its next meeting";

in rule 65 (b), after the word "newspaper", the words "or newspapers" be inserted;

in rule 66 (a), the word "either" in the fifth line of the sub-rule be omitted; also the word "may" in the penultimate line of the sub-rule be omitted;

in rule 66 (c), before the word "either" in the fourth line, the words "and conduct his case" be inserted;

in rule 71, for the existing rule, the following be substituted:—

"(a) Subject to the provisions of section 63 of the Act, a Regional Transport Authority (hereinafter referred to as the original Transport Authority) may issue a permit other than a permit in Form P. St. P., a permit in Form P. St. S. and a permit in Form P. Co. S., having validity in any other region in the Province in accordance with any general or special resolution recorded by any other Regional Authority, and any permit so issued shall be of like effect in the region of the other Authority as if it were issued by that Authority provided always that the vehicles to which the permit refers are normally kept within the region of the original Transport Authority. When issuing the permit aforesaid the original Transport Authority may subject to the provision of sub-rule (b) attach conditions to the permit with effect to such other region and may vary conditions of the permit in different regions.

(b) An original Transport Authority may issue under this rule a contract carriage permit in Form P. Co. S. with effect in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport Authority under a contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire outside that region.

(c) The original Transport Authority which issues a permit with effect in any other region under this rule shall send a copy of the permit to the Authority of the other region.

(d) Nothing in this rule shall affect the right of the holder of any permit to apply to any Regional Transport Authority for countersignature of a permit."

(The amendments were agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that after rule 71, the following be added:—

"71A. *Permits—Inter-regional stage carriage—*

(a) Subject to the provisions of section 63 of the Act an application for a stage carriage permit having validity in two or more regions within the Province shall be considered at a Joint

Conference of the Regional Transport Authorities concerned to be held periodically at such times and at such places within one of the regions concerned as the Chairmen of the said Regional Transport Authorities may jointly decide; provided that the authorities concerned shall not meet in Joint Conference more than once in each of the periods of three months of January to March, April to June, July to September and October to December, but any such meeting may continue for more than one day.

- (b) Upon receipt of such an application the Secretary of the Regional Transport Authority to which the application is preferred (hereinafter referred to as the Original Transport Authority) shall if the application is in order, with all reasonable despatch, circulate particulars thereof to the other Regional Transport Authorities concerned together with an enquiry as to the date on which the matter is to be decided by Joint Conference.
- (c) In fixing the date on which the application is to be considered by Joint Conference the Regional Transport Authorities concerned shall without prejudice to the proper examination of the application and any enquiries in connection therewith have regard to the desirability of avoiding delay in the issue of such a permit and shall so arrange its business that the permit shall normally be granted or refused within the quarterly period referred to in sub-rule (a) in which the application is received.
- (d) The Chairman of the Original Transport Authority shall be the Chairman of the Conference.
- (e) The Procedure for the hearing of applications for permits laid down in rule 66 shall apply to the hearing of applications at a Joint Conference under this rule.
- (f) Each Regional Transport Authority at the Conference shall have one vote.
- (g) The decision of a Joint Conference shall be recorded in the form of a resolution.
- (h) In accordance with any resolution recorded at the Joint Conference the Original Transport Authority may issue the stage carriage permit applied for after obtaining the counter-signature of the Regional Transport Authority concerned according to the provisions of section 63 of the Act and the permit so issued shall be of like effect in the regions of the other authorities as if it were issued by those authorities provided always that the vehicle or vehicles to which the permit refers are normally kept within the region of the Original Transport Authority.

- (i) The Original Transport Authority which issues a stage carriage permit with effect in any other regions under this rule shall send a copy of the permit to the authorities of the other regions concerned.
- (j) If on account of an equality of votes the Joint Conference fails to reach a decision or if any of the Regional Transport Authorities fails to accept the decision reached by the votes, such failure shall be recorded in a resolution of the Conference.
- (k) (i) In the event of a resolution being passed under sub-rule (j), the Chairman of the Joint Conference shall, within thirty days from the date of such resolution refer the matter to the Provincial Transport Authority under clause (c) of sub-section (3) of section 44 of the Act for decision and shall forward to the Secretary all the relevant documents (in duplicate), with a covering memorandum setting forth concisely the grounds of objection of the dissenting Regional Transport Authority to the grant of the permit or to the decision of the Joint Conference as the case may be.
- (ii) As soon as may be after a resolution is passed under sub-rule (j) the Chairman shall cause a copy of the resolution to be communicated to the applicant or applicants, as the case may be.
- (l) Any person aggrieved by the failure of the Original Transport Authority to grant a permit or the failure of a Regional Transport Authority to countersign a permit in view of the resolution of the Joint Conference recorded under sub-rule (j) may, within 30 days from the date of receipt of the copy of the resolution under clause (ii) of sub-rule (k), appeal to the Provincial Transport Authority and the provisions of sub-rules (b) to (f) of rule 90A shall, *mutatis mutandis*, apply to such appeals.
- (m) If an appeal is preferred under sub-rule (l) the Provincial Transport Authority shall deal with and dispose of the reference made to it under sub-rule (k) in respect of the subject-matter of such appeal, along with, but not before, the hearing of such appeal.
- (n) The order passed by a Provincial Transport Authority on a reference made to it under sub-rule (k) or on an appeal under sub-rule (l) or under sub-rule (b) of rule 90A, and the order passed by the Appellate Authority on an appeal under rule 89 from the decision of a Provincial Transport Authority on a reference made to it under sub-rule (k) shall be forthwith communicated to the Original Transport Authority and a copy of every such order shall be also sent

to each of the other Regional Transport Authorities concerned, and if any such order directs the issue of or confirms any decision for the issue of, a permit, the Original Transport Authority shall issue the permit in pursuance of the said order and the provisions of sub-rules (h) and (i) shall apply."

Mr. PRESIDENT: Amendment moved: that after rule 71, the following be inserted:—

"71A. Permits—Inter-regional stage carriage—

- (a) Subject to the provisions of section 63 of the Act an application for a stage carriage permit having validity in two or more regions within the province shall be considered at a Joint Conference of the Regional Transport Authorities concerned to be held periodically at such times and at such places within one of the regions concerned as the Chairmen of the said Regional Transport Authorities may jointly decide; provided that the authorities concerned shall not meet in Joint Conference more than once in each of the periods of three months of January to March, April to June, July to September and October to December, but any such meeting may continue for more than one day.
- (b) Upon receipt of such an application the Secretary of the Regional Transport Authority to which the application is preferred (hereinafter referred to as the Original Transport Authority) shall if the application is in order, with all reasonable despatch, circulate particulars thereof to the other Regional Transport Authorities concerned together with an enquiry as to the date on which the matter is to be decided by Joint Conference.
- (c) In fixing the date on which the application is to be considered by Joint Conference the Regional Transport Authorities concerned shall without prejudice to the proper examination of the application and any enquiries in connection therewith have regard to the desirability of avoiding delay in the issue of such a permit and shall so arrange its business that the permit shall normally be granted or refused within the quarterly period referred to in sub-rule (a) in which the application is received.
- (d) The Chairman of the Original Transport Authority shall be the Chairman of the Conference.
- (e) The procedure for the hearing of applications for permits laid down in rule 66 shall apply to the hearing of applications at a Joint Conference under this rule.

- (f) Each Regional Transport Authority at the Conference shall have one vote.
- (g) The decision of a Joint Conference shall be recorded in the form of a resolution.
- (h) In accordance with any resolution recorded at a Joint Conference the Original Transport Authority may issue the stage carriage permit applied for after obtaining countersignature of the Regional Transport Authority concerned according to the provisions of section 63 of the Act and the permit so issued shall be of like effect in the regions of the other authorities as if it were issued by those authorities provided always that the vehicle or vehicles to which the permit refers are normally kept within the region of the Original Transport Authority.
- (i) The Original Transport Authority which issues a stage carriage permit with effect in any other regions under this rule shall send a copy of the permit to the authorities of the other regions concerned.
- (j) If on account of any equality of votes the Joint Conference fails to reach a decision or if any of the Regional Transport Authorities fails to accept the decision reached by the votes, such failure shall be recorded in a resolution of the Conference.
- (k) (i) In the event of a resolution being passed under sub-rule (j), the Chairman of the Joint Conference shall, within thirty days from the date of such resolution, refer the matter to the Provincial Transport Authority under clause (c) of sub-section (3) of section 44 of the Act for decision and shall forward to the Secretary all relevant documents (in duplicate), with a covering memorandum setting forth concisely the grounds of objection of the dissenting Regional Transport Authority to the grant of the permit or to the decision of the Joint Conference as the case may be.
- (ii) As soon as may be after a resolution is passed under sub-rule (j) the Chairman shall cause a copy of the resolution to be communicated to the applicant or applicants, as the case may be.
- (l) Any person aggrieved by the failure of the Original Transport Authority to grant a permit or the failure of a Regional Transport Authority to countersign a permit in view of the resolution of the Joint Conference recorded under sub-rule (j) may, within 30 days from the date of receipt of the

copy of the resolution under clause (i) of sub-rule (k), appeal to the Provincial Transport Authority and the provisions of sub-rules (b) to (f) of rule 90A shall, *mutatis mutandis*, apply to such appeals.

- (m) If an appeal is preferred under sub-rule (l) the Provincial Transport Authority shall deal with and dispose of the reference made to it under sub-rule (k) in respect of the subject-matter of such appeal, along with, but not before, the hearing of such appeal.
- (n) The order passed by a Provincial Transport Authority on a reference made to it under sub-rule (k) or on an appeal under sub-rule (l) or under sub-rule (b) of rule 90A, and the order passed by the Appellate Authority on an appeal under rule 89 from the decision of a Provincial Transport Authority on a reference made to it under sub-rule (k) shall be forthwith communicated to the Original Transport Authority and a copy of every such order shall be also sent to each of the other Regional Transport Authorities concerned, and if any such order directs the issue of or confirms any decision for the issue of, a permit, the Original Transport Authority shall issue the permit in pursuance of the said order and the provisions of sub-rules (h) and (i) shall apply."

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move that in the proposed rule 71A, after the word "shall" occurring in line 3, the following be inserted:—

"unless such a permit has already been countersigned by the Regional Transport Authority or Authorities concerned, other Authority issuing the permit."

Mr. PRESIDENT: Amendment moved: that in the proposed rule 71A, after the word "shall" occurring in line 3, the following be inserted:—

"unless such a permit has already been countersigned by the Regional Transport Authority or Authorities concerned, other Authority issuing the permit."

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 74 (f), the words "exceeding two maunds" be inserted after the words "carriage of goods" in line 2.

Mr. PRESIDENT: Amendment moved: that in rule 74 (f), the words "exceeding two maunds" be inserted after the words "carriage of goods" in line 2.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move that in rule 74 (f), the words "on particular occasions" occurring in lines 2 and 3, be deleted.

Mr. PRESIDENT: Amendment moved: that in Rule 74(f), the words "on particular occasions" occurring in lines 2 and 3, be deleted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in rule 74 (f) Explanation, for the word "may" in line 1, the word "shall" be substituted; and that at the end of the Explanation, the words "exceeding two maunds" be added.

Mr. PRESIDENT: Amendment moved: that in rule 74 (f) Explanation, for the word "may" in line 1, the word "shall" be substituted; and that at the end of the Explanation, the words "exceeding two maunds" be added.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move—

that in rule 75 (a), for the figure and word "20 lbs", the figure and word "10 seers" be substituted; and the words "except that in the areas outside Calcutta including the suburbs and the Municipality of Howrah 15 seers shall be allowed per passenger" be added at the end of the clause;

that in rule 78 (a), the words in the last line of the sub-rule be substituted by "by the fees prescribed in rules 72 to 72F";

that after rule 78 the following be inserted:—

"Rule 78A.—Permits issued or renewed within two years of the commencement of the Act—duration of.—Permits issued or renewed within two years of the commencement of the Act shall be effective without renewal for one year from the date of issue or renewal, as the case may be";

that in rule 85 (c), the following proviso be added to the sub-rule:—

"(c) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application which the Regional Transport Authority is subsequently satisfied,

after having given the parties an opportunity of submitting an explanation, was false in respect of the matter specified in sub-rule (b) or in respect of any other material particular shall be void."

Mr. PRESIDENT: Amendments moved: that—

in rule 75 (a), for the figure and word "20 lbs", the figure and word "10 seers" be substituted; and the words "except that in the areas outside Calcutta including the suburbs and the Municipality of Howrah, 15 seers shall be allowed per passenger" be added at the end of the clause;

in rule 78 (a), the words in the last line of the sub-rule be substituted by "by the fees prescribed in rules 72 to 72F";

after rule 78 the following be inserted:—

"Rule 78A.—Permits issued or renewed within two years of the commencement of the Act—duration of.—Permits issued or renewed within two years of the commencement of the Act shall be effective without renewal for one year from the date of issue or renewal, as the case may be";

In rule 85 (c), the following proviso be added to the sub-rule:—

"(c) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application which the Regional Transport Authority is subsequently satisfied, after having given the parties an opportunity of submitting an explanation, was false in respect of the matter specified in sub-rule (b) or in respect of any other material particular shall be void."

(The amendments were agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move that in the proposed amendment to rule 85 (c), for the words "Add the following proviso to the sub-rule" occurring in line 1, the following be substituted:—

"substitute the following for the present sub-rule."

Mr. PRESIDENT: Amendment moved: that in the proposed amendment to rule 85 (c) for the words "Add the following proviso to the sub-rule" occurring in line 1, the following be substituted:—

"substitute the following for the present sub-rule."

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move—

that in rule 86 (c), for the words "five rupees" and "three rupees". the words "three rupees" and "one rupee" respectively be substituted;

that in rule 89, after the words "section 64 of the Act", the words "including an order passed on a reference made to a Provincial Transport Authority under sub-rule (k) of rule 71A" be inserted;

that in rule 89, sub-rule (b) (i) be deleted and (b) (ii) be renumbered as (b) (i) omitting the words "and shall in that case order the appellant to deposit such fee as he may specify not exceeding fifty rupees";

that in rule 90, before the words "the authority to decide an appeal" the words, figure and letter "save as otherwise provided in rule 90A" be inserted;

that in rule 90, sub-rule (b) (i) be deleted and (b) (ii) be renumbered as (b) (i) omitting the words "and shall in that case order the appellant to deposit such fee, not exceeding twenty-five rupees as the appellate authority may specify";

that after rule 90, the following be inserted:—

"Rule 90A.—Permits—Inter-regional stage carriage—Appeals against order of Joint Conference:—

- (a) The authority to decide an appeal against all orders based on the resolution of the Joint Conference passed under sub-rule (h) of rule 71A in respect of matters referred to in clauses (a), (d) and (f) of section 64 of the Act shall be the Provincial Transport Authority or a sub-committee to be appointed by it from time to time.
- (b) Any person aggrieved, by any such order may, within thirty days of receipt of such order, prefer an appeal in writing under this rule by presenting a Memorandum (in duplicate) to the Secretary to the Provincial Transport Authority, one copy of which shall bear a court-fee stamp of one rupee and such Memorandum shall set forth concisely the grounds of objection to such order and shall be accompanied by a certified copy of that order and of the resolution of the Joint Conference on which such order is based.
- (b) Upon receipt of an appeal in accordance with sub-rule (b) the appellate authority shall appoint a time and place for the hearing of the appeal giving the appellant not less than thirty days' notice.
- (d) The appellate authority shall also issue notices to the Regional Transport Authorities concerned on receipt of such appeal.
- (e) The appellate authority, after giving an opportunity to the parties to be heard, and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred.

(f) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals preferred under sub-rule (b)";

that in rule 91, after the word and figure "rule 90", the words, figure and letter "or rule 90A" be added;

that consequent on the amendments to rules 89 and 90, rule 92 be deleted;

that in rule 93 (b), the following be substituted for item (b):—

"Any fire brigade, vehicle or ambulance when being used as such, and any vehicle owned by a local authority and used for municipal purposes to meet cases of emergency or of delays by reason of circumstances which could not be foreseen."

that in rule 96, the title of this rule be read as "Drivers and Conductors of Public Service Vehicles—Conduct and duties of";

that in rule 96 (a) (ii), the words "or behave in a manner likely to cause annoyance to any female passenger" be added.

MR. PRESIDENT: Amendments moved: that—

in rule 86 (c), for the words "five rupees" and "three rupees" the words "three rupees" and "one rupee" respectively be substituted;

in rule 89 after the words "section 64 of the Act", the words "including an order passed on a reference made to a Provincial Transport Authority under sub-rule (k) of rule 71A" be inserted;

in rule 89, sub-rule (b) (i) be deleted and (b) (ii) be renumbered as (b) (i) omitting the words "and shall in that case order the appellant to deposit such fee as he may specify not exceeding fifty rupees";

in rule 90, before the words "the authority to decide an appeal" the words, figure and letter "save as otherwise provided in rule 90A" be inserted;

in rule 90, sub-rule (b) (i) be deleted and (b) (ii) be renumbered as (b) (i) omitting the words "and shall in that case order the appellant to deposit such fee, not exceeding twenty-five rupees as the appellate authority may specify";

after rule 90, the following be inserted:—

"Rule 90A.—Permits—Inter-regional stage carriage—Appeals against order of Joint Conference:—

(a) The authority to decide an appeal against all orders based on the resolution of the Joint Conference passed under sub-rule (h) of rule 71A in respect of matters referred to in clauses (a), (d) and (f) of section 64 of the Act shall be the Provincial Transport Authority or a sub-committee to be appointed by it from time to time.

- (b) Any person aggrieved, by any such order may, within thirty days of receipt of such order prefer an appeal in writing under this rule by presenting a Memorandum (in duplicate) to the Secretary to the Provincial Transport Authority, one copy of which shall bear a court-fee stamp of one rupee and such Memorandum shall set forth concisely the grounds of objection to such order and shall be accompanied by a certified copy of that order and of the resolution of the Joint Conference on which such order is based.
- (c) Upon receipt of an appeal in accordance with sub-rule (b) the appellate authority shall appoint a time and place for the hearing of the appeal giving the appellant not less than thirty days' notice.
- (d) The appellate authority shall also issue notices to the Regional Transport Authorities concerned on receipt of such appeal.
- (e) The appellate authority, after giving an opportunity to the parties to be heard, and after such further enquiry if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred.
- (f) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall apply to appeals preferred under sub-rule (b)";

in rule 91, after the word and figure "rule 90", the words, figure and letter "or rule 90A" be added;

consequent on the amendments to rules 89 and 90, rule 92 be deleted;

in rule 93 (b), the following be substituted for item (b):—

"Any fire brigade, vehicle or ambulance when being used as such, and any vehicle owned by a local authority and used for municipal purposes to meet cases of emergency or of delays by reason of circumstances which could not be foreseen."

in rule 96, the title of this rule be read as "Drivers and Conductors of Public Service Vehicles—Conduct and duties of";

In Rule 96 (a) (ii), the words "or behave in a manner likely to cause annoyance to any female passenger" be added.

(The amendments were agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move—

that in rule 96 (b), in line 1 after the words "motor cab", the words "fitted with a taxi-meter" be inserted;

that in rule 96 (c), the words "in Calcutta (including suburbs)" be inserted at the beginning of the sub-rule.

Mr. PRESIDENT: Amendments moved: that—

in rule 96 (b), in line 1, after the words “motor cab” the words “fitted with a taxi-meter” be inserted;

in rule 96 (c), the words “in Calcutta (including suburbs)” be inserted at the beginning of the sub-rule.

(The amendments were agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that—

in rule 97 (ii), the words “and shall not behave in a manner likely to cause annoyance to any female passenger” be added;

in rule 101 (c), the word “the” be inserted before the words “Licensing Authority”;

in rule 101 (j) (iv), the clause be omitted;

in rule 101 (p), the words “three months” be substituted for the words “one month”.

in rules 102 (c) and 103 (c), in the third line, the words “one rupee” be substituted for “two rupees.”

in rule 105 (b), after the word “practitioner”, the words “or sanitary inspector” be inserted;

in rule 105 (c), after the word “health” in the 4th line and the word “officer” in the 8th and 9th lines, the words “or Sanitary Inspector” be inserted;

in rule 106 (d), the words “or District Board” be inserted after the word “Municipality” in line 7 and after the word “Municipal” in line 7, the words “or district board” be inserted.

Mr. PRESIDENT: Amendments moved: that—

in rule 97 (ii), the words “and shall not behave in a manner likely to cause annoyance to any female passenger” be added;

in rule 101 (c), the word “the” be inserted before the words “Licensing Authority”;

in rule 101 (j) (iv), the clause be omitted;

in rule 101 (p), the words “three months” be substituted for the words “one month”.

in rules 102 (c) and 103 (c), in the third line, the words “one rupee” be substituted for the words “two rupees.”

in rule 105 (b), after the word “practitioner”, the words “or sanitary inspector” be inserted;

in rule 105 (c), after the word "health" in the 4th line and the word "officer" in the 8th and 9th lines, the words "or Sanitary Inspector" be inserted;

in rule 106 (d), the words "or District Board" be inserted after the word "Municipality" in line 7 and after the word "Municipal" in line 7, the words "or district board" be inserted.

(The amendments were agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in rule 108 (a) (v), the words "the number of passengers and" be added at the beginning.

Mr. PRESIDENT: Amendment moved: that in rule 108 (a) (v), the words "the number of passengers and" be added at the beginning.
(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that—

in rule 112 (b), the figure "208" be substituted by the figure "209";

in rule 113 (b) (ii), the word "suppose" be substituted by the word "believe";

in rule 113 (d), the word "the" be inserted before the words "first or second class";

the following be substituted for rule 115:—

"Sub-section (I) of section 42 of the Act shall not apply to transport vehicles owned by the Communications and Works Department, Calcutta Corporation, Municipalities and District Boards and used for roadmaking and maintenance";

in rule 122 (d), for the words "no braking system shall be dependent upon the rotation of the engine", the words "no braking system shall be rendered ineffective by the non-rotation of the engine" be substituted;

in rule 122 (d), the following words be omitted from the sub-rule (d) and be added to the proviso:—

"and to the braking system of any trailer and of the trailing half of any articulated vehicles."

the following proviso be added to rule 124A (a):—

"Provided that the Registering Authority may grant a special permit for the use of radios or gramophones with or without loud-speakers in specially equipped motor vehicles used for educational or traffic purposes."

Mr. PRESIDENT: Amendments moved: that—

in rule 112 (b), the figure “208” be substituted by the figure “209”;

in rule 113 (b) (ii), the word “suppose” be substituted by the word “believe”;

in rule 113 (d), the word “the” be inserted before the words “first or second class”;

the following be substituted for rule 115:—

“Sub-section (I) of section 42 of the Act shall not apply to transport vehicles owned by the Communications and Works Department, Calcutta Corporation, Municipalities and District Boards and used for roadmaking and maintenance”;

in rule 122 (d), for the words “no braking system shall be dependent upon the rotation of the engine”, the words “no braking system shall be rendered ineffective by the non-rotation of the engine” be substituted;

in rule 122 (d), the following words be omitted from the sub-rule (d) and be added to the proviso:—

“and to the braking system of any trailer and of the trailing half of any articulated vehicles.”

the following proviso be added to rule 124A (a):—

“Provided that the Registering Authority may grant a special permit for the use of radios or gramophones with or without loud-speakers in specially equipped motor vehicles used for educational or traffic purposes.”

(The amendments were agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in the proposed proviso to rule 124A (a), before the word “educational”, the word “publicity” be inserted.

Mr. PRESIDENT: Amendment moved: that in the proposed proviso to rule 124A (a) before the word “educational” the word “publicity” be inserted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that—

in rule 134 (a), the words “after the 1st day of April, 1941,” be inserted at the beginning of the sub-rule and the following proviso be added to the sub-rule:—

“Provided that the Registering Authority may exempt any vehicle or class of vehicles from the operation of this sub-rule”;

in rule 138 (c), the words "any bumper" be added to clause (v);

in rule 175 (3), the present sub-rule be deleted and the following be substituted:—

"In the case of trailers registered in India after the 1st day of April, 1940, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle."

in rule 176 (a), the word "City" be substituted for the word "region" in the second line and the words and brackets "(including suburbs)" be added after the word "Calcutta", and before the words "speed governor" in the third line the words "an effective" should be substituted for the word "a";

in rule 187, after rule 186 the following be inserted:—

"Rule 187.—Payment of fare for hire of contract carriages.—

(a) No hirer of a contract carriage shall refuse or omit to pay the legal fare for the hire of a contract carriage.

(b) In Calcutta, including suburbs, in the case of a motor cab the legal fare shall ordinarily be the fare shown on the taximeter. In the event of a dispute in connection with the fare, or if the hirer has reasonable grounds for believing that the meter is registering incorrectly, the hirer shall, if required by the motor cab driver, accompany him to the nearest police officer and he shall not refuse to supply his correct name and address to the motor cab driver or to the police officer";

in rule 191 (a), after the words "police officer" occurring in the fourth line, the words "or any officer of a district board or municipality other than a ministerial officer or a menial" be inserted;

in rule 191 (a) (iii), for the words "twenty-four hours" the words "twelve hours within municipal areas and twenty-four hours elsewhere" be substituted;

in rule 191 (d), after sub-rule (c), the following sub-rule be added:—

"(d)(i) The owner of the motor vehicle or his heirs or assigns may, within 14 days from the date of the payment referred to in sub-rule (c), challenge the correctness or otherwise of the amount realised as expenses incurred by the police officer under that sub-rule, by a statement in writing delivered to the Commissioner of Police, Calcutta, or to the District Magistrate, according as such payment is made in the City of Calcutta (including suburbs) or elsewhere."

- (ii) Upon receipt of such statement, the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, shall cause such enquiries to be made as appear to be necessary to satisfy himself as to the correctness or otherwise of the amount realised as expenses of the police officer under sub-rule (c) and shall pass such orders thereon as he deems fit.
- (iii) If the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, is satisfied that the amount so realised is excessive, he shall order a refund to be made to the persons submitting the statement of the amount which he considers to be in excess of the amount which such person is liable to make good under sub-rule (c)";

in rule 192 (c), after the word "vehicle" occurring in the first line, the words "not being engaged in driving or attending to any other vehicle at the time" be inserted;

in rule 192, the following sub-rule be inserted:—

"(k) A weighing device for the purpose of section 73 of the Act shall be tested as to its accuracy every six months by such person as may be appointed in this behalf by the Registering Authority. In the case where such device is installed and maintained by the Provincial Government, the date of the last test held under this sub-rule shall be exhibited on the device."

Mr. PRESIDENT: Amendments moved: that—

in rule 134 (a), the words "After the 1st day of April, 1941," be inserted at the beginning of the sub-rule and the following proviso be added to the sub-rule:—

"Provided that the Registering Authority may exempt any vehicle or class of vehicles from the operation of this sub-rule";

in rule 138 (c), the words "Any bumper" be added to clause (v);

in rule 175 (3), the present sub-rule be deleted and the following be substituted:—

"In the case of trailers registered in India after the 1st day of April, 1940, the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle."

in rule 176 (a), the word "City" be substituted for the word "region" in the second line and the words and brackets "(including suburbs)" be added after the word "Calcutta", and before the words "speed governor" in the third line, the words "an effective" should be substituted for the word "a";

in rule 187, after rule 186, the following be inserted:—

“Rule 187.—Payment of fare for hire of contract carriages.—

- (a) No hirer of a contract carriage shall refuse or omit to pay the legal fare for the hire of a contract carriage.
- (b) In Calcutta, including suburbs, in the case of a motor cab the legal fare shall ordinarily be the fare shown on the taxi-meter. In the event of a dispute in connection with the fare, or if the hirer has reasonable grounds for believing that the meter is registering incorrectly, the hirer shall, if required by the motor cab driver, accompany him to the nearest police officer and he shall not refuse to supply his correct name and address to the motor cab driver or to the police officer”;

in rule 191 (a), after the words “police officer” occurring in the fourth line, the words “or any officer of a district board or municipality other than a ministerial officer or a menial” be inserted;

in rule 191 (a) (iii), for the words “twenty-four hours”, the words “twelve hours within municipal areas and twenty-four hours elsewhere” be substituted;

in rule 191 (d), after sub-rule (c), the following sub-rule be added:—

“(d) (i) The owner of the motor vehicle or his heirs or assigns may, within 14 days from the date of the payment referred to in sub-rule (c), challenge the correctness or otherwise of the amount realised as expenses incurred by the police officer under that sub-rule, by a statement in writing delivered to the Commissioner of Police, Calcutta, or to the District Magistrate, according as such payment is made in the City of Calcutta (including suburbs) or elsewhere.

(ii) Upon receipt of such statement, the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, shall cause such enquiries to be made as appear to be necessary to satisfy himself as to the correctness or otherwise of the amount realised as expenses of the police officer under sub-rule (c) and shall pass such orders thereon as he deems fit.

(iii) If the Commissioner of Police, Calcutta, or the District Magistrate, as the case may be, is satisfied that the amount so realised is excessive, he shall order a refund to be made to the persons submitting the statement of the amount which he considers to be in excess of the amount which such person is liable to make good under sub-rule (c)”;

in rule 192 (c), after the word "vehicle" occurring in the first line, the words "not being engaged in driving or attending to any other vehicle at the time" be inserted;

in rule 192, the following sub-rule be inserted:—

"(k) A weighing device for the purpose of section 73 of the Act shall be tested as to its accuracy every six months by such person as may be appointed in this behalf by the Registering Authority. In the case where such device is installed and maintained by the Provincial Government, the date of the last test held under this sub-rule shall be exhibited on the device."

(The amendments were agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move that in the proposed amendment to rule 193, for the word and figure "rule 193", the words "Ninth Schedule" be substituted and that this amendment be transferred to under amendment to Sixth Schedule.

Mr. PRESIDENT: Amendment moved: that in the proposed amendment to rule 193, for the word and figure "rule 193" the words "Ninth Schedule" be substituted and that this amendment be transferred to under amendment to Sixth Schedule.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move—

that in rule 201, the words "save in the case of a road roller" be deleted;

that in rule 202 (a), the words "by the District Magistrate" be deleted and the words "by the Commissioner of Police, Calcutta, in the City of Calcutta including suburbs and elsewhere by the District Magistrate" be substituted;

that for rule 203 (b), the following be substituted, viz.:—

"(b) The Commissioner of Police in the City of Calcutta (including suburbs) by notification in the official gazette and by erection of suitable notices in English and in the local script, and elsewhere the District Magistrate by notification in a local newspaper of standing and also by the erection of such notices, may prohibit the use, within such areas or in such places, as may be specified in the notification or local newspapers, as the case may be, of lamps giving a powerful or intense light";

that the following rule be inserted:—

“206B. Until the 1st day of April, 1941, the provisions of subsection (2) of section 72 of the Act shall not apply to those motor vehicles which were registered on or before the 1st day of April, 1940”;

that in the first column of the 6th Schedule, the word “and” be substituted by the word “or” in the authority specified in item 1;

that in rule 193, the words “the District of Darjeeling” be deleted from the 9th Schedule.

that in Form P. Co. S. A. for the words and figure “see rule 76 (a) (iv)” the words and figure “see rule 67 (a) (iv)” be substituted;

that in Form P. St. S., Part A, item 20, and in Form P. St. S., Part A, item 15, for the word and figure “rule 71”, the word and figure “rule 71A” be substituted;

that the rules be re-numbered serially and re-published.

Mr. PRESIDENT: Amendments moved:

that in rule 201, the words “save in the case of a road roller” be deleted;

that in rule 202 (a), the words “by the District Magistrate” be deleted and the words “by the Commissioner of Police, Calcutta, in the City of Calcutta including suburbs and elsewhere by the District Magistrate” be substituted;

that for rule 203 (b) the following be substituted, viz.:—

“(b) The Commissioner of Police in the City of Calcutta (including suburbs) by notification in the official gazette and by erection of suitable notices in English and in the local script, and elsewhere the District Magistrate by notification in a local newspaper of standing and also by the erection of such notices, may prohibit the use, within such areas or in such places, as may be specified in the notification or local newspapers, as the case may be, of lamps giving a powerful or intense light”;

that the following rule be inserted:—

“206B. Until the 1st day of April, 1941, the provisions of subsection (2) of section 72 of the Act shall not apply to those motor vehicles which were registered on or before the 1st day of April, 1940”;

that in the first column of the 6th Schedule, the word “and” be substituted by the word “or” in the authority specified in item 1;

that in rule 193, the words “the District of Darjeeling” be deleted from the 9th Schedule;

that in Form P. Co. S. A., for the words and figure "see rule 76(a) (iv)", the words and figure "see rule 67(a) (iv)" be substituted;

that in Form P. St. S., Part A, item 20, and in Form P. St. S., Part A, item 15, for the word and figure "rule 71", the word and figure "Rule 71A" be substituted;

that the rules be re-numbered serially and re-published.

(The amendments were agreed to.)

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. on Wednesday.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 31st July, 1940.

Members absent.

The following members were absent from the meeting held on the 30th July, 1940:—

- (1) Rai Bahadur Keshab Chandra Banerjee.
- (2) Mr. D. J. Cohen.
- (3) Mr. Narendra Chandra Datta.
- (4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (5) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (6) Mr. Naresh Nath Mookerjee.
- (7) Mr. Sachindra Narayan Sanyal.
- (8) Khan Bahadur M. Shamsuzzoha.

BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Buildings, Calcutta, on Wednesday, the 31st July, 1940, at 2-15 p.m., being the fourth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Hon'ble Khwaja Sir NAZIMUDDIN : May I suggest, Sir, that it would be convenient if you take up questions numbering 20, 26 and 27 together, because they all relate to one and the same subject, namely, the Khaksar Movement?

Mr. PRESIDENT : Yes. All of them will be taken together and then supplementaries may be put on them.

Khaksar Movement.

***20. Mr. RANAJIT PAL CHAUDHURI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) whether he is aware that there has been in existence for the last two years more than two scores of Khaksars in the neighbourhood of Raja Bazar under the jurisdiction of the Belliaghata Police Sub-Section, in this city?
- (b) if so, whether he is also aware of the periodical drill which they undergo publicly on Raja Dinendra Street near Saheb-began?
- (c) whether he has taken note of the findings of the Committee that recently sat in Lahore to enquire into the Khaksar movement generally?
- (d) what attitude does the Bengal Government entertain towards the movement in question?

*Question No. 20 was not put on the 30th July, 1940, due to the absence of the Hon'ble Minister in charge.

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir NAZIMUDDIN) : (a) Yes.

(b) Yes. Occasionally.

(c) No.

(d) The whole question of the treatment of volunteer organisations is under examination.

Khaksar movement in Bengal.

26. Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether he is aware of the existence of the Khaksar movement in the Province of Bengal;

(b) if so, since when he has come to know of it?

(c) how many people there are known to be enrolled in the local organisation?

(d) the sources from which that movement is being locally supported; and

(e) the names of leader or leaders who are known to be identified with the local movement?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) 1938.

(c) Definite information is not available but reports indicate that there are approximately 1,500 in Calcutta and about a thousand outside Calcutta.

(d) So far as is known from local subscriptions.

(e) Mia Ahmed Shah, Fida Muhammad and Pir Moonzoor Ahmed Shah.

27. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the number of Khaksars who are residing in Calcutta and other parts of Bengal;

(b) if it is a fact that they are parading in the streets of Calcutta at night and in the Muhammad Ali Park at day time?

(c) if it is a fact that many members of the Muslim League are active supporters of Khaksar movement?

(d) what materials, if any, the Government of Bengal have for differing from the Government of the Punjab in their opinion that Khaksars form part of the Fifth Column of Germany?

- (e) if it is a fact that Khaksars are residing in the mosques of Calcutta and Bengal;
- (f) if the Government have any information as to how the organisation is being maintained;
- (g) whether the Government have already taken any steps against the entry of Khaksars from outside and their recruitment in Bengal;
- (h) if so, what are they and what further steps the Government intend to take in future?
- (i) if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Definite information is lacking but there are reported to be approximately 1,500 in Calcutta and a thousand in other parts of Bengal.

(b) and (f) Yes.

(c) I have no information.

(d) The information at present in my possession does not support this theory.

(e) and (g) No.

(h) Does not arise.

(i) The whole question of the treatment of volunteer organisations is under examination.

Mr. RANAJIT PAL CHAUDHURI: Arising out of 20 (c), will the Hon'ble Minister be pleased to state whether it is his intention to acquaint himself with the findings of the Enquiry Committee presided over by Justice Himayatullah?

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, that has nothing to do with this province. That Enquiry Committee enquired into a particular incident, and I see no reason why Government of Bengal should take any notice of it.

Mr. RANAJIT PAL CHAUDHURI: If the Hon'ble Minister can bring Muhammadan candidates from outside the province—

Mr. PRESIDENT : Order, order. In a supplementary question, the honourable member can only ask for information and not advance any argument.

Mr. RANAJIT PAL CHAUDHURI: Arising out of 20 (d), will the Hon'ble Minister be pleased to state when was the examination of the voluntary organisations first taken up?

The Hon'ble Khwaja Sir NAZIMUDDIN : The examination has been undertaken fairly recently.

Mr. RANAJIT PAL CHAUDHURI : Was it before or after the incident at Lahore?

The Hon'ble Khwaja Sir NAZIMUDDIN : It has nothing to do with the incident at Lahore.

Dr. RADHA KUMUD MOOKERJI : Arising out of question 20(c), I wish to know whether the Bengal Khaksar Movement is affiliated to the general Khaksar movement operating in other parts of India.

The Hon'ble Khwaja Sir NAZIMUDDIN : Yes, Sir; it is the same organisation. It is an All-India organisation.

Dr. RADHA KUMUD MOOKERJI : If it is agreed, Sir, that the Bengal Khaksar movement is a part of the general Khaksar movement, I should like to know why the Hon'ble Home Minister is not yet in possession of facts that have been elicited by a Committee of Enquiry sitting in judgment upon the operations of the same movement in another province.

The Hon'ble Khwaja Sir NAZIMUDDIN : I do not see what connection there is between the two. If there is a riot at one place, say at Lucknow, because a Congress organisation is involved in that riot, I do not see why Government of Bengal should take up an enquiry into the Congress organisation in Bengal.

Dr. RADHA KUMUD MOOKERJI : Sir, my question has not been answered properly. Since the Hon'ble Home Minister has agreed that the Bengal Khaksar Movement is a part of the Khaksar movement operating elsewhere, I should like to know whether he does not know that serious aspersions have been cast on the whole movement including its subordinate movements operating in other parts of India. A serious aspersion has been cast on the movement in general and as a whole by a Judicial Committee of Enquiry to the effect that the movement is inspired by foreign and hostile inspirations.

The Hon'ble Khwaja Sir NAZIMUDDIN : Is the honourable member sure of the facts which he has mentioned? Will he quote the exact words and state where he got them from?

Dr. RADHA KUMUD MOOKERJI : Just now I am unable to quote the exact words, but I should like to remind the Hon'ble

Minister of the definite statement made by the Prime Minister of the Punjab to the effect that he is in possession of definite evidence to show that Khaksar movement in general has been inspired by foreign and hostile agencies.

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, I have been accused of not being able to answer the question properly, but it appears that the honourable member has mixed up the Prime Minister of the Punjab with the Enquiry Committee. It is a confusion of thought and nothing else.

Dr. RADHA KUMUD MOOKERJI: Sir, it is not a confusion of thought, if I may be permitted to say so.

Mr. PRESIDENT : Order, order. The honourable member may put further questions if he so likes. It is no use pursuing a controversy.

Dr. RADHA KUMUD MOOKERJI : If it is agreed that the Bengal Khaksar movement is a part of the general movement, I should think it is quite relevant that the Home Minister should acquaint himself with what has been said about the Khaksar movement. I want to know why he is unable to act according to the information supplied by the Committee of Enquiry sitting in judgment on the whole movement which includes also the movement in Bengal.

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, before doing so, I should like to have an All-India Enquiry Committee to go into the question of those regarding whom there were Enquiry Committees in other provinces.

Mr. LALIT CHANDRA DAS : Will the Hon'ble Minister be pleased to state whether he is aware that the Government of the Punjab rigorously put down the Khaksars there, hunted them out of the *Masjid*, put them under arrest, and threw them into the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN : This is again a matter of opinion.

Mr. LALIT CHANDRA DAS : It is not a matter of opinion, but it is a matter of fact. Is the Hon'ble Minister aware of it?

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, I do not think, it is proper to discuss the action of other Provincial Governments.

Mr. LALIT CHANDRA DAS : Sir, my question, is—

Mr. PRESIDENT : Order, order. It is not the primary concern of the Hon'ble Minister to know what has been done in another province and he seems not to be agreeable to accept your facts even. You say "rigorously put down". Do you mean the movement or particular members? You do not make it clear.

Mr. LALIT CHANDRA DAS : Sir, with your permission, I will again put the question. Will the Hon'ble Minister be pleased to state whether he is aware that the Government of Sir Sikander Hyat Khan put down the Khaksar movement in the Punjab?

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, this is not correct again. Again and again Sir Sikander has said that if the Khaksar movement gave up their present attitude towards the orders of the Punjab Government, he would have no hesitation in allowing the movement to continue. What I would like to know is whether the honourable member is prepared to accept everything that is done in the Punjab.

Mr. RANAJIT PAL CHAUDHURI : Arising out of 20 (b), what are the other voluntary organisations that are drilling and parading in public parks and streets?

The Hon'ble Khwaja Sir NAZIMUDDIN : There are innumerable organisations. I have not got a list of them. But practically every voluntary organisation drills and parades in various public places.

Dr. RADHA KUMUD MOOKERJI : Arising out of 27(i), I wish to know whether the Hon'ble Home Minister will see that a movement which is not approved in one province is not allowed to spread in another province.

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, I may mention that from the information in our possession, the Khaksar movement is supposed to be a non-communal organisation for social service, and as long as the movement is not carried on in a manner which is against the laws of the country, I do not see what action can be taken.

Mr. NARESH NATH MOOKERJEE : Does not the Hon'ble Home Minister consider that the Khaksar movement is a movement which can be called a pro-Government movement?

The Hon'ble Khwaja Sir NAZIMUDDIN : That is a matter of opinion.

Mr. RANAJIT PAL CHAUDHURI: Arising out of 26 (d), is it a fact that a member of the present Cabinet subscribed to the Khaksar movement before he became a Minister of the present Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question is too vague, but if the honourable member is referring to the Home Minister, I may say that he is not correct.

Mr. NARESH NATH MOOKERJEE : I feel sure that the Hon'ble Home Minister is aware that in the Punjab the Khaksar movement was treated as a Fifth Column.

Mr. PRESIDENT : Sir Nazimuddin, you are not bound to answer the question.

The Hon'ble Khwaja Sir NAZIMUDDIN : I cannot answer for the Government of the Punjab.

Mr. RANAJIT PAL CHAUDHURI: Arising out of 26 (c), is it a fact that Dr. Ismail Nami poses to be the leader of this movement also?

The Hon'ble Khwaja Sir NAZIMUDDIN : It may be possible. I have not got definite information at my disposal. I believe his name has appeared in the press.

Mr. NARESH NATH MOOKERJEE : Will the Hon'ble Minister be pleased to state whether the Khaksar movement has the sympathies of the present Government?

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, as I have already stated, the Government of Bengal is looking into the question of all voluntary organisations, and this is one of the voluntary organisations. There is no question of Government having any sympathy with any organisation whatsoever.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN : Has the Khaksar movement of Bengal shown any signs of breaking the laws?

The Hon'ble Sir Khwaja Sir NAZIMUDDIN : None that I know of, so far.

Khan Bahadur ATAUR RAHMAN : Is it not a fact that the Punjab Prime Minister took serious action against the Khaksar movement because they broke the law?

The Hon'ble Khwaja Sir NAZIMUDDIN : Yes, Sir, that is so they defied the order.

Mr. HAMIDUL HUQ CHOWDHURY : Will the Hon'ble Minister be pleased to take action to revise the wrong notion about the Punjab Government? (Laughter.)

(No answer.)

Mr. NARESH NATH MOOKERJEE : Will the Hon'ble Minister be pleased to state if he is aware that parades on a large scale and in large numbers are taking place at night daily under the auspices of the Khaksar organisation in Calcutta? If so, will he be pleased to state if permits are issued by the Police for such action?

The Hon'ble Khwaja Sir NAZIMUDDIN : If the honourable member points out what section of the Criminal Procedure Code is violated by this organisation, Government will certainly take action.

Mr. SRISH CHANDRA CHAKRAVERTI : Arising out of 27(d), will the Hon'ble Minister be pleased to state what is the nature of information that he has received—is it documentary or verbal?

The Hon'ble Khwaja Sir NAZIMUDDIN : I have already stated that information has been collected from papers about the organisations which they themselves printed from time to time of their constitution and other activities. I may say that it is an entirely non-communal organisation of the Muslims and other communities and is supposed to be peaceful and a supporter of Law and Order. It appears to be an entirely social service organisation having nothing to do with politics.

Mr. SRISH CHANDRA CHAKRAVERTI : Arising out of the answer just now given, will the Hon'ble Minister be pleased to state if there are other communities in this organisation, and, if so, to state their names?

The Hon'ble Khwaja Sir NAZIMUDDIN : Yes: there are other communities—Hindus, Sikhs, etc.

Mr. LALIT CHANDRA DAS : Will the Hon'ble Minister be pleased to state whether there is a notification of the Government applicable throughout Bengal prohibiting any procession without the permission of a Magistrate or Police?

The Hon'ble Khwaja Sir NAZIMUDDIN : I would refer the honourable member to the various notifications on the subject.

Mr. LALIT CHANDRA DAS : Will the Hon'ble Minister be pleased to state whether the Khaksar organisation is parading without the permission of the Police?

The Hon'ble Khwaja Sir NAZIMUDDIN : That is a question of law.

Mr. LALIT CHANDRA DAS : Sir, I want to know whether there is a notification of Government at present existing which is applicable throughout the province to the effect that no procession and parading would take place without the permission of a Magistrate or Police and whether the Hon'ble Minister is in a position to contradict me if I say that parading in the streets of Calcutta at night and at Muhammad Ali Park is allowed?

The Hon'ble Khwaja Sir NAZIMUDDIN : That is a question of law and I am not in a position to answer. If a specific question is put, answer will be given.

Mr. HUMAYUN KABIR : Arising out of 26(c), will the Hon'ble Minister be pleased to state what is the number of Muslims and of members of other communities that are taking part in the Khaksar movement in Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN : I do not possess the register of the Khaksar organisation.

Mr. LALIT CHANDRA DAS : Will the Hon'ble Minister be pleased to state if there is a notification prohibiting procession and parading without the permission of a Magistrate or Police and whether the Khaksar organisation has taken that permission? If not, what action has been taken against this movement?

The Hon'ble Khwaja Sir NAZIMUDDIN : If the honourable member will put up a specific question, answer will be given.

Mr. LALIT CHANDRA DAS : Sir, my question is specific: I know that there is such a notification which is applicable throughout Bengal, namely, that no procession or parading could be taken out

without the permission of a Magistrate. Is the Hon'ble Minister in a position to contradict it? If not, will he take action against the Khaksar Organisation?

The Hon'ble Khwaja Sir NAZIMUDDIN : As I have already stated, I am not in a position to answer this. I want notice.

Dr. RADHA KUMUD MOOKERJI : With reference to the answer given just now by the Hon'ble Minister, namely, that the Khaksar movement stands for non-violence and peace, will he be pleased to state whether members of this organisation use arms for violence and whether they are equipped with arms?

The Hon'ble Khwaja Sir NAZIMUDDIN : Sir, I have never used the word "non-violence". The word "non-violence" is soon going out of the Congress dictionary. The Congress is discarding it and the members of the Congress are forgetting it as being unpracticable. The question is based on a wrong supposition.

Expenditure for the Flood Commission.

28. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what has been the total expenditure for the Flood Commission?

(b) Will the Hon'ble Minister be pleased to place on the Table of the House a statement of the expenses incurred for each member by name of that Commission from the Public Exchequer?

(c) Do the Government propose to supply each member of the Legislature with a copy of the Report of the Flood Commission and give an opportunity of discussing it before any legislation is undertaken on the basis of that Report? If so, when? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) The total expenditure (up to the end of May, 1940) for the Commission was Rs. 2,28,406.

(b) A statement is laid on the table.

(c) Instructions have already been issued to the Bengal Government Press for the supply of a copy of the Report to each member of the Legislature.

Government would welcome a general discussion on the Report but not till they have had an opportunity of appreciating the implications of at least the main recommendations of the Commission.

Statement referred to in reply to clause (b) of question No. 28, showing expenses incurred for each member of the Land Revenue Commission.

Name.	Total amount of expenditure.
	Rs.
1. Sir Francis Floud, K.C.B., K.C.M.G. (Chairman) ..	57,889
2. Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan ..	3,706
3. Mr. M. O. Carter, M.C., I.C.S. (Member-Secretary)	21,943
4. Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C.	4,410
• 5. Khan Bahadur Maulvi Hashem Ali Khan, M.L.A.	6,038
6. Khan Bahadur M. A. Momin, C.I.E. ..	4,089
7. Sir Manmatha Nath Mookerjee, K.T. ..	278
8. Dr. Radha Kumud Mookerjee, M.A., P.R.S., PH.D., M.L.C. ..	23,019
9. Mr. Brajendra Kishore Roy Choudhury ..	4,215
10. Sir F. A. Sachse, K.T., C.S.I., C.I.E. ..	33,068
11. Mr. Abul Quasem, M.A., B.L. ..	1,884
12. Mr. Nuruddin Ahmed, B.L. ..	2,369
13. Mr. Anukul Chandra Das, M.L.A. ..	2,335
Total ..	1,65,243

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state with reference to answer (a), if any further expenditure is contemplated on account of this Commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Commission has now been dissolved and strictly speaking there is no further expenditure on account of the Commission.

Khan Bahadur ATAUR RAHMAN: Arising out of the statement referred to in answer (b), will the Hon'ble Minister be pleased to state why one particular member, viz., member No. 8, received Rs. 23,019 while other non-official members on the Commission got only Rs. 3,000 or Rs. 4,000?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: His honorarium is included in it. He was a whole-time member and his services were placed at the disposal of this Government by the Lucknow University.

Khan Bahadur ATAUR RAHMAN: Why was this particular gentleman imported from the Lucknow University?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Because in the opinion of Government he was eminently fit to help the Commission in their work, that was why Government had to request the Lucknow University to place the services of this gentleman at the Commission's disposal.

Khan Bahadur ATAUR RAHMAN: May I know what is his experience as a revenue officer for dealing with revenue questions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The terms of reference of the Commission were very comprehensive and more than mere technical knowledge of revenue matters was necessary.

Khan Bahadur ATAUR RAHMAN: Was not a person of his type available in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There might have been available but certainly Dr. Radha Kumud Mookerji was considered eminently suitable for the purpose.

Mr. HAMIDUL HUQ CHOWDHURY: Was the question of appointing a Bengali considered?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Dr. Mookerji is presumably a Bengali. (Laughter.)

Bhati area of Mymensingh.

29. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department kindly state—

- (a) whether it is a fact that more than half the areas of *bhati* Mymensingh has gone out of cultivation on account of ravages of the early flood and water-hyacinth;
- (b) whether it is a fact that the Director of Land Records after special enquiry found that more than half the areas of Ashtogram thana had gone out of cultivation and submitted a report to the effect to the Bengal Land Revenue Commission;
- (c) if he is aware that the tenants of this *bhati* area have been reduced to abject poverty;

- (d) if he is aware that 12 annas to 14 annas of the holdings of many villages of the *bhati* area have been sold for arrears of rent and purchased by the proprietors;
- (e) whether the attention of the Rent Committee has been drawn to the special circumstances of *bhati* area; and
- (f) what the Government propose to do for giving relief to the tenants of the *bhati* area, more than half of whose lands have gone out of cultivation for no fault of theirs?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (b) The information of Government is that the cultivation of *aman* paddy has been affected in parts of the *bhati* area by the annual floods; but *boro* paddy is being grown instead on a considerable scale.

(c) Some tenants are reported to have lost their lands—particularly those who relied on the cultivation of *aman* paddy—but no figures are available.

(d) and (e) No.

(f) The situation is due to a large volume of water from the Sylhet Hills flooding the area early in the year. The problem is primarily one of drainage and concerns the Communications and Works (Irrigation) Department. The problem is being brought to the notice of that department.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (b), is it not a fact that the Director of Land Records after enquiry reported definitely that there had been no cultivation in the locality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, that is not a fact and the Government answer is also very definite, viz., that the cultivation of *aman* paddy has been affected in parts of the *bhati* area by the annual floods. Government do not know that more than half the area has been out of cultivation.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Might I be permitted to inform the Hon'ble Minister that I have got papers in my possession which show what was the result of that enquiry? If those papers are placed before him, will he be able to deny the position?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am not going to deny what is contained in the papers in the possession of the honourable member, but I have based my answer on the information available to Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In view of the fact that some of the tenants have lost their holdings not for any fault of their own, do the Government contemplate to do anything so that they may get back their lands?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, this question has not been considered by Government, but it is the usual feature of the land tenure system of the province that when lands become uncultivable, they have to be surrendered or made *khas*.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not the duty of the Government to see, when the tenants suffer for no fault of their own that something is done for them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not a practical proposition always but in particular cases it may be possible to do so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Do the Government contemplate to do anything to ease the situation in this part of the country?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to enquire into this matter.

Formation of Poor Committee.

30. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department kindly state—

- (a) whether detailed instructions have been issued to Presidents of Union Boards through Circle Officers drawing attention to mandatory provisions of the Bengal Rural Poor and Unemployment Relief Act (Act X of 1939); and
- (b) whether the Poor Committee has now been formed in every union and lists of poor and unemployed have been prepared?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Nawab Habibullah Bahadur, of Dacca, Minister in charge of Public Health and Local Self-Government Department): An enquiry is being made in the matter and a reply will be given as soon as possible.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state when we can expect to have the report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot say definitely when it will be ready. Instructions will have to be issued to the Presidents of Union Boards throughout Bengal by the Circle Officers, and considering the fact that there are more than 5,000 union boards in the province, it will no doubt take some time to collect the necessary information.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether instructions have been issued to the Presidents of union boards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We have issued instructions already but it is not known whether they have by this time reached the hands of Presidents of union boards through Circle Officers.

Mr. ABUL QUASEM: What is the probable time that is likely to be taken in completing the enquiry and gathering the information?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How is it possible for me to say definitely or even approximately when the whole thing will be ready? It is difficult to say that, especially because we have to collect the information from 5,000 union boards.

Taxes on commodities sold in markets.

31. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Will the Hon'ble Minister in charge of the Revenue Department kindly state if he is aware that tolls or taxes are being collected by zemindars, lessees or agents on jute, condiments, eggs, wooden articles and other articles of merchandise, sold in *hats* and *bazars* of Bengal, particularly in the district of Mymensingh (e.g., in Bhairab Bazar, Hossainpore, Gaffargaon)?

(b) Is it a fact that by article VII (2) of the proclamation and section 35 of Regulation VIII of 1793, the previous practice by which zemindars used to levy tax and other internal duties or taxes on merchandise in *hats*, *ganjas* and *bazars* of Bengal was prohibited?

(c) If the reply to (b) be in the affirmative, do the Government propose to issue a communique drawing attention of all landholders that realisation of toll in merchandise is illegal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The information on all the points are being collected and will be furnished as soon as possible.

Appointment of the teacher of Physics and Chemistry in the Jalpaiguri Medical School.

32. Khan Bahadur ATAUR RAHMAN: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department kindly state how many applications have been received by him in response to his advertisement in the *Calcutta Gazette*, dated the 25th April, 1940, for a teacher of Physics and Chemistry in the Jalpaiguri Medical School?

(b) What amount of fee has been realised by Government from the candidates for filing the applications?

(c) Is it not a fact that many desirable candidates are debarred from filing applications on account of their inability to meet this fee?

(d) From what time is the system of levy of such a fee introduced?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): The information has been asked for from the Public Service Commission and a reply will be given as soon as it is received.

Appointments to the posts of Analysts, Bengal Public Health Department.

33. Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department kindly state—

(a) whether out of 12 posts of Analysts, Bengal Public Health Department, only two are held by Muslims and ten by Hindus;

(b) whether out of the ten Hindu Assistant Analysts, only one is a Bachelor of Medicine and all others are Bachelors of Science;

(c) whether of the two Muslim Assistant Analysts one is a Master of Science and the other is a Bachelor of Medicine; and

(d) whether sufficient number of Muslim B.Sc. graduates were not available when the posts of Assistant Analysts were filled up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Public Health and Local Self-Government Department): (a) There are eleven permanent posts of Assistant Analysts under the Bengal Public Health Department of which nine are held by Hindus and two by Muslims.

There are also two temporary posts of Assistant Analysts of which one is held by a Hindu and the other by a Muslim.

(b) Yes.

(c) Of the two permanent Muslim Assistant Analysts one is a Master of Science and the other a Bachelor of Science. The temporary Muslim Assistant Analyst is a Bachelor of Medicine.

(d) Except in the case of the appointment made on 9th December, 1939, the vacancies in the cadre of Assistant Analysts were not advertised and so it cannot be definitely stated now whether a sufficient number of Muslim Science graduates were available or not when the vacancies were filled up and except the two appointments made in March, 1938, and December, 1939, all the other appointments were made before July, 1930.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that even before 1930, 33 per cent. was the proportion fixed for Muslims in all services?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Speaking from memory, that is a fact.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that 2 out of 11 is far less than 33 per cent.?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is a matter of arithmetic, and I think my friend can work it out better than myself.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does the Hon'ble Minister contemplate to make up that deficiency now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How? By driving the Hindus out?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No; not by driving, but by taking more than 50 per cent. in making appointments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the communal ratio rules are there, and unfortunately they do not allow Government to increase the ratio by more than 50 per cent.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that the communal ratio previously fixed was also broken?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not by the present Government at any rate.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why no advertisements were issued with regard to the appointments in March 1938?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it was the previous Government that made the appointments. All the appointments referred to were made before July, 1930. It is very difficult for me to answer at this distance of time.

Mr. HUMAYUN KABIR: I do not believe that there was another Government in March, 1938. I believe the Hon'ble Minister was a Minister in March, 1938. I am referring to March, 1938. Why no advertisements were issued with regard to the appointments in March, 1938?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Advertisements were issued in March, 1938.

Mr. HUMAYUN KABIR: But the answer given says "No". It says "Except in the case of appointments made on 9th December—"

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Unfortunately, the answer is not very clear, I admit. But it refers to the appointments made before July, 1930. Only two appointments have since been made—one on 9th December, 1939, and the other in March, 1938.

Mr. HUMAYUN KABIR: That is not the answer. If I might clear the point, two appointments were made—one in March, 1938, and one on 9th December, 1939, and for the appointment in December, 1939, the post was advertised, but for March, 1938, it was not advertised. My question is why it was not advertised in March, 1938.

Mr. PRESIDENT: I see the difficulty of the Hon'ble Minister who is not in charge of the department. I think it is always desirable, when a particular Minister in charge of a Department cannot be present, to inform the President and the Chair will be glad to postpone that question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir; I cannot answer off-hand why only on one occasion the vacancies were advertised.

The Raigram bridge on Dwaraka river.

34. Khan Bahadur ATAUR RAHMAN: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state when the earthwork on the two ends of the Raigram bridge on Dwaraka river was completed last year?

(b) Was it not immediately before the approach of the rainy season when the flood was expected?

(c) What was the total approximate cost of such earthwork?

(d) What is the loss due to damage by washing away of the loose earth done in the wake of rains?

(e) Why was this earthwork so belated?

(f) Was it not possible to do this work earlier in the season?

(g) With this experience why is the earthwork done again on the approach of the rains?

(h) Is there no apprehension of the repetition of the loss?

(i) Who are the contractors of the structure of the bridge?

(j) Is the bridge being extended on both ends?

(k) When was the contract of this extension given?

(l) Why did not the contractor take up the work in time to complete it before the rains?

(m) Does the Hon'ble Minister expect that the work will be finished before the rains?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Before the approach of the rainy season.

(b) The flood was abnormal and unprecedented and could not be anticipated.

(c) Rs. 9,500.

(d) If I am right in presuming that the honourable member is thinking of earthwork washed away at the ends of the bridge, the answer is about Rs.650.

(e) and (f) It was not possible to do the work earlier as the ends of the bridge had to be kept open in the interest of work to facilitate the construction of the end trestle piers of the bridge itself.

(g) and (h) As the waterways have since been increased by providing additional spans at each end of the bridge, the chances of the earthwork again being washed away has been lessened. The new earthwork is also being covered by a protective mattress, etc. The work is being expedited so that the public may use the bridge as early as possible.

(i) Messrs. Braithwaite, Burn and Jessop.

(j) Yes.

(k) January, 1940.

(l) The contractors started fabrication of steel immediately on receipt of orders. War conditions hampered the progress of work to a great extent.

(m) It is expected that the bridge will be completed by the 15th August, 1940.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if there was any time-limit in the contract to complete the work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state why such time-limit is not enforced when a contract is given?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, there are several forms of contract which are in use in this Department. There is one form where there is time-limit, but in others there are no time-limit. If there be a time-limit clause, Government may also be held responsible for damages if the work has to be suspended for some reason or other. That is why that form of contract is now very very rarely used. Speaking about the case which my friend has in mind, there has been no inordinate delay.

Adjournment Motion.

Mr. PRESIDENT: The Chair has received notice of an adjournment motion from Mr. Krishna Chandra Roy Chowdhury which reads as follows:—

“This House do adjourn to discuss a definite matter of urgent public importance, viz., the policy of the Government in arresting indiscriminately *bonâ fide* labour leaders, such as, the arrest of Jamini Mohan Ghose, an employee of the Popular Printing Works at about 3 p.m. to-day, the 30th July, 1940, and thereby undermining the Trade Union Movement of Bengal.”

Is there any objection to leave being granted to the honourable member to move the adjournment motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out, Sir, that it is not in order for the reason that as one swallow does not make a summer, one illustration does not mean that there is a systematic policy of Government. Then, again, Sir, in this particular case, the person has been arrested and is going to be prosecuted. If the case has not already been placed before the court, it will be done in a day or two, and is likely to be *sub judice*. The man has been arrested for commission of a definite offence, and therefore I submit, Sir, that this cannot be the subject of an adjournment motion.

Mr. PRESIDENT: Mr. Roy Chowdhury wants to criticise the policy of Government in arresting indiscriminately *bonâ fide* labour leaders.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: My object is not to bring a censure on the Government but to help it to declare its policy and to allay the apprehensions of *bonâ fide* Trade Union leaders who are working constitutionally and are neither fifth columnists nor communists nor fascists.

Mr. PRESIDENT: The honourable member wants to discuss the policy of Government in arresting indiscriminately *bonâ fide* labour leaders, and illustrate his allegation by giving an example of a particular man who has been arrested.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the honourable member has to make a statement in support of what he alleged. He referred to "indiscriminate policy of Government" and cites as an illustration a case which has nothing to do with that policy. He has not given any names to show that such and such leaders have been arrested. I submit that the honourable member has not been able to give the names of even two or three *bonâ fide* trade union leaders who have been arrested by Government. The policy must be shown before it becomes a question of urgent public importance.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I be permitted to say that when I was in this House yesterday, I received a telegraphic message from a trade union organisation mentioning his name. I have been reading in the papers certain names about whom I do not know much. Later, I received another list in which these names figure, viz., Debendra Nath Sukul, Acting President of the Budge Budge Jute Workers Union, a registered Union, and so on and so on.

Mr. PPRESIDENT: How many of them?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: In this list there are four. There is a Muslim gentleman. I can give his name also.

Mr. RANAJIT PAL CHAUDHURI: Is he a Khaksar?

Mr. PRESIDENT: Order, order.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: This is not a light matter. The arrest of people who are really honest trade unionists is not a light matter.

Mr. PRESIDENT: Mr. Roy Chowdhury's purpose is to draw the attention of the House to the policy of Government in arresting indiscriminately *bonâ fide* labour leaders and has cited a case as an illustration of that policy. I appreciate the point raised by the Hon'ble Home Minister. A similar matter was discussed in the Central Assembly where the question of *sub judice* was raised. A member sought the adjournment of the House in order to discuss the arrest of

certain leaders of the non-co-operation movement for the purpose of prosecution and on the Government opposing it on the ground that the matter was *sub judice*, the President held that if it was a matter clearly "*sub judice*", then it would be the duty of the Chair to forbid any discussion of the matter even if it was the strong desire of the House to do so. But here the motion is directed against the policy of Government and the particular case cited by him is merely illustrative. If I do not allow Mr. Roy Chowdhury to go into the merits of that case but restrict him only to the discussion of the Government's policy, what objection Government may have against this motion?

Mr. A. F. STARK: May I submit, Sir, that (1) the motion must be definite, that it must specify a number of trade union leaders, and (2) that it must be urgent in this sense that the arrests must have taken place within a short period of time from the date when the motion is brought up. Now, I understand that these arrests have been going on for many months, and if the honourable member wishes to raise the question in the House, he should do so by an ordinary resolution. On the other hand, if there were a number of arrests taking place at the same time, say yesterday, then he could raise the matter by a motion for adjournment as a definite matter of urgent public importance.

Khan Bahadur NAZIRUDDIN AHMAD: May I submit one point? The point in this adjournment motion is the policy of Government. Subsidiary to this is the indiscriminate arrest, and it is said that the matter is urgent. I submit that the policy of Government cannot be urgent. It is rather the indiscriminate arrest that may be urgent. So, by tacking the word "indiscriminate" with the policy of Government, a wider question has been raised. But I think it is possible to separate the one from the other, and consider them singly. On the matter of policy apart from the arrest nothing can be proved, nothing is tangible. So, in these circumstances—

Mr. PRESIDENT: Order, order. I should say, the word "urgent" is not to be interpreted in its dictionary meaning but in the parliamentary sense, which means if a matter comes out as an emergency. The honourable mover has used the word "indiscriminate" in his resolution, and if he can prove that, then really the urgency is made out.

Khan Bahadur NAZIRUDDIN AHMAD: So, it would seem that the word "policy", though dominating in the motion in a grammatical sense is rather subordinate to the idea of "indiscriminate arrest". The policy of the Government is thus really a subsidiary matter though purporting to be the dominating idea. This is the real difficulty in the motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I support the points raised by the two previous members, particularly Mr. Stark, that the motion as it stands rather vague. But there is another new point which I want to place before the House and that is that before an honourable member brings anything before this House he must satisfy himself about the facts of the case.

As we have already heard just now, he has given notice of this motion on the ground of indiscriminate arrests which however, as he subsequently admits, are based on the telephonic report of the arrest of a particular person. He knows nothing about those persons excepting the fact that one of them is the president or secretary of a labour union. He has no other information at his disposal. Therefore, I submit that it would not be proper to allow this motion to be discussed until the honourable member is able to furnish further information on the subject.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: In view of what the Hon'ble Minister has said, I desire to withdraw this motion but shall put a short notice question.

Mr. PRESIDENT: As the honourable member does not press his motion, we pass on to the next subject.

The Bengal Shops and Establishments Bill, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Shops and Establishments Bill, 1939, as reported by the Select Committee, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Shops and Establishments Bill, as reported by the Select Committee, be taken into consideration.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I would open my remarks on the Bengal Shops and Establishments Bill by offering a word of congratulation to Professor Humayun Kabir on the introduction of this measure of which his Shops Bill was the precursor. He has the satisfaction of knowing that the Bill to which he gave so much time and thought has been treated as the model on which this measure is based in so far as it deals with shops. This House has the satisfaction of knowing that it has prevailed upon Government to legislate for the closing hours of shops, a most desirable object and one which has received attention in many socially advanced countries. This Bill is, in so far as it deals with shop-keepers, an example of the working of the

Provincial Autonomy part of the Constitution; an example indeed of the working of democracy; a demand from an important class of workers for social justice, constitutionally brought before Government, displayed for criticism to the public, and now finally being designed to meet public needs; an example of Government of the people, by the people, for the people.

The Bill now before us however differs in one important respect from that which was originally mooted. It seeks to regulate hours and holidays of a class of workers who have not asked for such regulation so far as revealed in any question, Bill or resolution which I can remember in this House. I refer to the sections dealing with Commercial Establishments.

If the demand for bringing commercial establishments into this Bill was the result of a widespread demand from the workers themselves, of a social injustice which had to be righted, then, so far as practicable, we on this side would have had some sympathy with the Hon'ble Minister's object in thus tampering with what was originally a private member's measure. We know of no such demand, on the contrary, our view is that employees of commercial establishments generally prefer to work under the present conditions of "*laissez faire*" and not to be subjected to any degree of rigidity. Fixed hours of work tend to involve penalties of one kind or another for contravention of the hours, and as you know, a high percentage of clerical staffs live outside Calcutta. Under present conditions an employer can be lenient with cases of occasional lateness, and should clerks have appointments in town after office, or wish to avoid the heat or a heavy monsoon shower by waiting in office till after sunset, employers are usually prepared to allow the expenditure on lights and fans thus incurred. Employees appreciate these facilities, but as will be seen when the Bill is under consideration, clause by clause, no employer in a commercial establishment will be in a position to allow that leniency in the matter of office hours, which is one of the attractions of clerical employment; for to depart from a rigid system would be to risk incurring heavy penalties, which, as the Bill stands at present, may run to imprisonment. The clerk will be relegated in the matter of working hours to the position of the factory worker. Furthermore, there is a definite limit of daily hours of work beyond which man's brain will not function efficiently; and clerical work is essentially brain work. The hardest of employers know this and they know that to force clerks to work continuous long hours and not to allow some latitude in the matter of holidays and casual leave is to court expensive errors and omissions. By the nature of the work there is between the employer and the salaried clerk a high degree of trust, which contributes much to the attraction of a clerical post and we would not support any form of legislation

which tended to vitiate this state of affairs. It may be that the Minister in charge has seen offices at work late at night, but this does not mean that the employees are in any sense being slave-driven; assistants in a bank, for example, may be at their desks till a late hour not working, but waiting while one section traces an error which must be found before the books can be closed for the day. Again, it is the custom in some businesses that the day is spent in the market and clerical work is not started until a late hour; the sight of offices alight at 9 o'clock, which has spurred the Hon'ble Minister to this interference with Professor Humayun Kabir's Bill, is therefore not in itself a social evil to be stamped out at the expense of employers and employees of the majority of offices working normal hours.

In passing, let me draw the attention of the House to the exception of the Reserve Bank and of Government offices from the provisions of the Bill. Where is the logic which differentiates between the work of a Reserve Bank employee from an employee of a scheduled bank or the accounts clerk dealing with the Hon'ble Minister's budget and the merchant's ledger-keeper?

The social evil which the Bill aims to alleviate arises because it pays the shop-keeper to keep his doors open to the public as long as possible; he thus meets public convenience and every few minutes a sale is effected. Thus, every hour longer, which he can keep open until the public is a-bed, means so much more gross profit to meet his overheads; this is a different thing altogether from keeping a commercial office open longer than the usual seven or eight hours. The amount of additional business so obtained is negligible, and the only object in working long hours is to reduce the number of staff and the resultant saving of expenses. In the one case long hours are directly productive of more gross profit, in the other merely some small reduction in cost at the expense of the efficiency. I hope the House will not feel that I am labouring this point. I want it to be understood why we regard the introduction in the Bill of commercial establishments as an unwarranted and illogical effort to tamper with a private member's Bill which, in itself, we regarded as excellent.

I am fortified in this argument by the Hon'ble Minister's Statement of Objects and Reasons. This is not reproduced along with the document now before us and, with your permission, Sir, I will read it out. "Owing to unrestricted competition amongst shop-keepers, particularly in the municipalities, the shops are kept open until unreasonable hours and shop assistants are called upon to attend in these shops for unlimited hours to the great detriment of their health. Government feel that a measure forbidding the transactions of business in shops after a certain hour will be welcome by shop-keepers and sellers, and will afford very necessary relief to the shop assistants."

Provision therefore has been made in this Bill for closing the shops at 8 p.m. at night and for limiting the hours of work per week for a shop assistant. Further, every shop is required to close for a day and a half every week. Special provision has been made for commercial establishments and for restaurants and places of amusement."

The honourable members will observe that my reasoning is sound, 'for the Objects and Reasons refer only to unrestricted competition and unlimited hours in the case of shops. The need for regulation of shop hours was first brought to the notice of the Ministry by Professor Humayun Kabir at the end of 1937 and all that the Ministry have to show for nearly three years' delay is the introduction of a new and wholly unwarranted principle, a principle which they cannot even explain in their Statement of Objects and Reasons.

Let me say what the Hon'ble Minister in charge of the Department of Commerce himself said on the subject. It is contained in the proceedings of the first Conference of Labour Ministers. I do not want to take more time of the House in reading it. I may tell you that in those proceedings he has only referred to shops and shop-keepers but nowhere has he mentioned of any commercial establishment. It was unfortunate that the Hon'ble Minister in charge of the Department was indisposed when the Bill was first introduced, and you will remember that the Hon'ble Sir Nazimuddin moved for reference to a Select Committee. In so doing he referred to the need for regulating shop hours; there was no mention of commercial establishments. He also gave out that the Bill would be republished for obtaining opinion; and since the opinions so obtained are not available to honourable members, I must tell you that I have not seen one single statement from any reliable authority giving grounds for interfering with commercial establishments in a Bill which the House has been led to regard as a Bill for putting a stop to the existing hardships suffered by shop assistants.

After over two years' waiting for something to be done on the basis of Professor Humayun Kabir's original Shops Bill the House was naturally anxious that the action of Government should, in introducing a new principle, not operate further to delay matters, and the Bill was referred to a Select Committee; but now that it is again before us let us consider the introduction of this new principle afresh in the light of Khan Bahadur Naziruddin Ahmad's words on 11th December, 1939: "Matters of detail can certainly be taken up in the Select Committee; but if there are difficulties of a more fundamental nature they cannot very well be cured in the Select Committee."

Again the House will have to consider the expense involved in keeping an all day and all night watch over the doings of commercial establishments, not only in this city but all over the Province to which,

under clause 1, the provisions can be extended; and the House will judge whether the vast army of inspectors required would be better occupied in interfering with businesses on which the country's economic progress depends or in engaging themselves in fostering the spread of free Primary Education. And furthermore, the House will consider the inexplicable omission in a measure of this kind of, all reference to employment of juveniles.

I give the House these examples of the lack of application over a period of nearly three years which has characterised the production of this document, and I ask the Hon'ble Minister to consider very carefully now whether he would not be well advised to concentrate his mind on the provisions aimed at alleviating a recognised social evil, to drop the commercial establishment clauses and to give us the Bill which the House first gave to him.

I do not want the House to gain the impression that we as a group take exception to the inclusion of commercial establishments because it affects our business. The House will be aware that conditions in Clive Street establishments are generally good, better even than the Bill envisages. There is no demonstrable social evil which this group would not be foremost in denouncing; but we will never stand for what amounts to an unwarranted interference with the conduct of the trade of the Province.

Another matter to which, as Members will observe from my Minute of Dissent, I take exception is the holidays clause affecting shops and establishments. We in this group feel that those responsible for the economic welfare of the Province should bear in mind the enormous handicap to trade from which the Province suffers in comparison to other enlightened countries from the continuous interruption of business through religious and other festivals. Added to 52 Sundays and half holidays, seldom a month passes without several Chamber and Government holidays, and in these days of intensive economic development it ill-becomes enlightened social leaders to add to Bengal's existing handicaps in this respect.

The penalty clause and other points will require considerable revision before we can regard the Bill as a workable Act; but subject to the foregoing remarks, we welcome the introduction of legislation to regulate the working hours in shops.

Mrs. K. D'ROZARIO: Mr. President, Sir, it gives me great satisfaction to rise in support of this Bill which embodies measures long overdue, and if there is any criticism to offer it is that it has not gone further. One would like to have seen some attempt made to safeguard security of service, although this is admittedly difficult, and in a large number of cases perhaps impossible of achievement. I would part

cularly like to stress my approval of the clauses, limiting the hours of work, and enforcing minimum periods of leave annually. As regards hours of work, I feel that they are still too long, but perhaps they may be allowed to remain thus at this stage, and until we gain experience of the practical results of the working of this Act. The annual leave periods are undoubtedly generous, when judged in terms of existing practice, and perhaps many establishments will find it difficult to abide by them. But I would strongly deprecate attempts to whittle them down on this score. I am convinced that the salutary results of greater leisure to the employee must redound to the ultimate benefit of the employer in increased efficiency, and better will, so that, apart from the humanitarian aspect of this piece of legislation it should commend itself to us for its sheerly beneficial effects on the tempo of business and commercial life.

Sir, much criticism of this Bill has been based on the ground that its provisions cut across age-old practice and tradition in this country. This is a familiar theme with all opponents of reform in any direction, but I hope this House will give it no countenance. It sounds to me very much like saying that evils should be perpetuated in virtue of the fact that they exist. The duty of this House in sponsoring all ameliorative measures for the poor and weak is clear. Nor can we be misled by the suggestion that anything contained in this Bill is calculated to place employers in a position of disadvantage with respect to their servants. The latter are all too dependent on the former for their very existence, and the idea that any provision of this Bill gives the employee an upper hand is pure nonsense. This Bill has for its object the securing by statute, of a fair deal from the employer to persons who make the running of his business possible.

It is, Sir, at once humanitarian and wise, and as such it has my hearty support.

Mr. NUR AHMED: Mr. President, Sir, I rise to support the motion for the consideration of the Shop Assistants and Establishments Bill, 1940. Sir, of course I must admit that this is a new sort of legislation which is about to be introduced in Bengal, and it is new not only in Bengal but the whole of India. Only recently Bombay passed a similar legislation but it has not been enforced as yet. A comparison of the provisions of that Act with those of the Bengal Bill will show that the provisions of the Bengal Bill are more revolutionary and far-reaching than those of Bombay.

It is an admitted fact that the country is now passing through a period of trade depression and dislocation of commerce and trade and ~~we must~~ not launch any legislation which will go to interfere with ~~trade and commerce~~. There is of course a demand for such legislation,

but how far these provisions of the Bill would meet the demand, how far the provisions of the Bill would prove really beneficial to those for whom it is meant, that still remains debatable. So, I appeal to the members of this House to consider this Bill very carefully so that we may not commit any mistake which may go to stifle the trade and commerce of this country instead of improving the lot of the shop assistants.

With these few words, I support the motion for consideration.

Mr. HUMAYUN KABIR: Mr. President, Sir, I had first thought that speeches on this Bill would take place at the time of the third reading and to-day we would proceed straight with the business of discussing the Bill, but since speeches have been made I will make one or two remarks. At the very outset I should like to express my very sincere appreciation of the words which have fallen from the lips of Mr. Laidlaw. I am very grateful indeed for the remarks which he has made with regard to me. But, at the same time, I want to say that if it had not been for the co-operation of the Hon'ble Minister concerned at least in the later stages, this Bill could not have been worked out as quickly as we were able to. I confess that for the first year and a half, we met a certain amount of coldness from the Ministry with regard to this Bill, but afterwards the Ministry did take it up and proceeded quickly with the matter, and for that we have to thank very largely the Hon'ble Minister concerned.

With regard to the extension of the principle, I feel that I cannot entirely agree with my honourable friend who started the discussion of this Bill, and I think that the extent to which the scope of the Bill has been extended is necessary and perhaps the Hon'ble Minister is justified in bringing in the case of a class of workers who may not have made as much representation as shop assistants, but nevertheless whose conditions of work also are very bad at times. The honourable speaker made it clear in his remarks that so far as the establishments with which he is concerned are concerned, these establishments do not suffer from any of the defects or disabilities which are pointed out in this Bill and are sought to be remedied there. In that case, the Bill does not effect him, but at the same time, I think he will not be able to deny that there are other establishments where there is sweated labour. If businessmen always proceeded on the principle which he laid down, that the businessmen cannot afford to drive employees because otherwise they will make mistakes and those mistakes will prove costly affairs, I think conditions of business would have been very much better than they are to-day. That principle is certainly salutary, and yet at the same time it cannot be denied that the principle is often violated, and businessmen realise their mistakes

when it is too late, at least so far as the employees of their establishments are concerned. I do not propose to take much longer time at this stage, and I would only say that so far as the extension is concerned, we will certainly pay the greatest attention to the arguments which have been advanced by the honourable initiator of the discussion, but at the same time the House should consider the plight of these workers and should not dismiss their grievances simply because they have not been put forward in as organised a manner as might have been expected or was perhaps desirable.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is difficult for me at this stage to comment on the criticisms of members, who are supporting the motion for consideration. If the House desires during discussion that commercial establishments should be excluded from the Bill, or that the holidays which have been provided in the Bill should be curtailed, or that the amenities which have been provided in the Bill should be altered, that is for the House to decide; it is not for me at this stage to offer any comments on the advisability or otherwise of these suggestions. We shall take them up when they come up for the consideration of the House, one after another. I was glad to find that Professor Humayun Kabir was not quite taken in by the blandishments of Mr. Laidlaw. The real reason, why Mr. Laidlaw praised Mr. Humayun Kabir for the introduction of this Bill was to give force to his point that Mr. Humayun Kabir had left out the commercial establishments from this Bill and that they should not have been inserted in the Government Bill. I think Mr. Humayun Kabir let down Mr. Laidlaw very nicely, gently and gradually. As to what will ultimately happen I am not in a position to forecast, but let me tell Mr. Laidlaw that there is a very radical difference between Reserve Banks and Government on the one hand and commercial establishments on the other, inasmuch as Government and Reserve Banks may and are in a position to control the hours of work of their employees.....

Mr. W. B. G. LAIDLAW: On a point of personal explanation, Sir. What I said was regarding the difference between Reserve Bank employees and employees of Scheduled Banks.

The Hon'ble Mr. H. S. SUHRAWARDY:and are answerable to public opinion, whereas commercial establishments and Scheduled Banks are not. For instance, we can make orders ourselves and we can hardly prosecute ourselves. Incidentally, we can make orders ourselves regulating the hours of work of our employees, and we shall see to it that they are observed. Unless there is a legislation, there is no such liability on Scheduled Banks to regulate their hours of work

too within reasonable proportions. It is for this reason that Bills of this nature that interfere with the doctrine of *laissez faire* do not include Government establishments and establishments under the control of Government. This aspect of the question is somewhat elementary.

Now, Sir, Mr. Laidlaw has pointed out to this House that there is no reference to the employment of juveniles in this Bill, from which he infers that we have not considered the various provisions of this Bill carefully and have put up a haphazard piece of legislation. Mr. Laidlaw has derived his ideas regarding juveniles from the Bombay Bill which all of us have read very carefully and many of whose provisions are embodied in this Bill which I have introduced in this House. If I have not put in juveniles in this Bill, I have done so not inadvertently and not as a piece of slipshod legislation but because it is going somewhat too far for the present state of our shop-workers. I would like to see this Bill in operation first before we go further ahead. It has not been left out inadvertently but it has been deliberately left out by me and I shall continue to watch the situation and see whether it is necessary to include juveniles within the purview of this Bill at some later stage.

I have nothing more to say except that I appreciate the good wishes of those honourable members who are supporting the motion that this Bill be taken into consideration.

Mr. PRESIDENT: The question before the House is: that the Bengal Shops and Establishments Bill, 1939, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

Mr. PRESIDENT: Consideration of this Bill, clause by clause, will be taken up on Monday.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have just received the consolidated list of amendments and I hope your decision to postpone the consideration of the Bill till Monday will give ample time to examine them.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2 p.m. on Friday, the 2nd August.

Adjournment.

The Council then adjourned till 2 p.m. on Friday, the 2nd August, 1940.

Members Absent:

The following members were absent from the meeting held on the 31st July, 1940:—

- (1) Rai Bahadur Keshab Chandra Banerjee.
- (2) Mr. D. J. Cohen.
- (3) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (4) Mr. Mohamed Hossain.
- (5) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
- (7) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES .

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 2nd August, 1940, at 2 p.m. being the fifth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Mr. PRESIDENT: To-day has been specially fixed for the election of the Deputy President; so there will be no questions.

Adjournment Motion.

I have received notice of an adjournment motion from Mr. Nur Ahmed which reads as follows:—

“That this House do adjourn its business to discuss a definite matter of urgent public importance, viz., the unsatisfactory answer given in reply to question No. 7 of this Session regarding the grievances of the people of Chittagong relating to oppression of Reserve and Protected Forest Department in Chittagong.”

Will the honourable member satisfy me as to how the matter may be regarded as urgent?

Mr. NUR AHMED: Sir, as I have just been informed by the Hon'ble Minister in charge of the Department that the matter is soon going to be enquired into, I do not like to move my motion.

Mr. PRESIDENT: The honourable member should in future take more care to ascertain matters before he gives notice of a motion for adjournment, because the Council Department had to spend much time unnecessarily on it. He had given notices of seven questions and five resolutions on this subject during the last two years, and it is inconceivable how this matter could be pressed as urgent.

Election of Deputy President.

To inform the House that altogether five nomination papers in connection with the election of the Deputy President of the Bengal Legislative Council were received by the Secretary of the Council up to

1 p.m. yesterday. I read the names of the candidates together with their proposers and seconders which are as follows:—

- (1) Begum Hamida Momin—Proposed by Mrs. K. D. Rozario and seconded by Mr. W. B. G. Laidlaw; further proposed by Khan Bahadur Ataur Rahman and seconded by Mr. Ranajit Pal Chaudhuri.
- (2) Khan Sahib Abdul Hamid Chowdhury—Proposed by Mr. Moazzamali Chowdhury (*alias* Lal Mea) and seconded by Maulana Muhammad Akram Khan; further proposed by Mr. Kader Baksh and seconded by Khan Bahadur Mukhlesur Rahman.
- (3) Mr. Humayun Kabir—Proposed by Mr. Altaf Ali and seconded by Mr. Srish Chandra Chakraverty.

I may inform the House that all the nomination papers were found to be in order after scrutiny. Begum Hamida Momin, one of the candidates, has since then intimated in writing withdrawing her candidature from the contest.

Mr. HUMAYUN KABIR: Sir, if I have the permission of my proposer and seconder, I would also like to withdraw my candidature for Deputy Presidentship of the Legislative Council.

Mr. PRESIDENT: Is there any objection to the withdrawal of his candidature?

Mr. ALTAf ALI: No objection, Sir.

Mr. SHRISH CHANDRA CHAKRAVERTY: No objection, Sir.

Mr. PRESIDENT: Now there is only one candidate and Khan Sahib Abdul Hamid Chowdhury is therefore declared duly elected.

Felicitations to Deputy President.

Mr. HUMAYUN KABIR: I would like to be the first to congratulate my friend Khan Sahib Abdul Hamid Chowdhury on his election as Deputy President of this House. The fact that no contest has been necessary proves his popularity. I am sure that in the discharge of his duties he will maintain the same popularity and thereby add to the credit of this House.

Mr. PRESIDENT: I congratulate Mr. Abdul Hamid Chowdhury on his election as Deputy President of this House. Although the duties of the Deputy President may not be onerous, they are nevertheless

responsible, because he will have to function as the *ex-officio* Chairman of the House Committee, Privilege Committee, etc. I am confident that he will discharge his duties in an able and impartial manner.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, from this side of the House, I associate myself with the observations that you have just made and I offer my sincerest congratulations to the Khan Sahib on his election as Deputy President of this House.

Mr. KAMINI KUMAR DUTTA: Sir, on behalf of the Congress Party I associate myself with what has been said by you and by the other speakers in congratulating Khan Sahib Abdul Hamid Chowdhury on his uncontested election as Deputy President,—a fact which shows the absolute confidence which he enjoys in this House. I wish him all success.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I beg to associate myself not only on my own behalf but also on behalf of the party to which I have the honour to belong in congratulating my friend, Khan Sahib Abdul Hamid Chowdhury, on his election as Deputy President of this House. We have been working here for more than three years and we have confidence in his ability. We have seen that he has courage of his convictions and what he thinks to be right he tries to carry out in spite of severe opposition from his party. We have had examples of this in the past. I wish him all success in his new office.

Mr. KADER BAKSH: Sir, I associate myself with the observations made by the gentlemen who preceded me. Sir, the unanimous election of my friend, Khan Sahib Abdul Hamid Chowdhury, as Deputy President shows the confidence that the House has got in him. I have no doubt that my friend the Khan Sahib will fulfil the expectation which we entertain about him.

Mr. J. B. ROSS: On behalf of the European Party, Sir, I desire to associate myself with the congratulations which have been extended to Khan Sahib Abdul Hamid Chowdhury. As you have said, Sir, the post of the Deputy President is no sinecure, and I am sure the confidence that this House has shown in our friend will be amply fulfilled during his term of office.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I associate myself with the congratulations that have been showered upon my friend Khan Sahib Abdul Hamid Chowdhury on his unanimous election as Deputy President of this House. It is true that his duties will not be so

onerous; but at the same time the few occasions on which he may be called upon to discharge his duties as Deputy President will be nonetheless responsible. With the full confidence which the House has placed in him, I hope he will be able to carry on his duties to our fullest satisfaction.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, when the heart is full of gratitude, words are but few. In fact, I do not find language in which I can adequately give expression to my feelings of thankfulness and gratitude to you, Sir, as well as to my honourable colleagues who have conferred on me the high honour which lies in their gift by choosing me unanimously for the office of the Deputy President of this Council. I am extremely grateful to you, Sir, as well as to the Leader of the House, Leader of the Opposition, Professor Kabir, Raja Bahadur of Nashipur, Mr. Ross, Mr. Hamidul Huq Chowdhury and Mr. Kader Bux for the very kind expression of their good wishes on this happy occasion. I wish I might deserve at least a part of their high praises.

Henceforward, it will be my sacred duty to move in such a way as to prove myself by my conduct and action worthy of the confidence reposed in me. I can assure this House that, if occasion arises to decide between conflicting opinions, I shall forget all party politics and try my level best to hold the scales of justice even.

Before I resume my seat, I again offer my grateful thanks to you, Sir, and to my honourable brethren of this House. My particular thanks are due to my esteemed friend Professor Kabir for his eleventh hour decision to allow me a free passage to the position of trust and honour to which I have just been called.

NON-OFFICIAL BILLS

The Bengal Ferries (Amendment) Bill, 1939.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to move that the Bengal Ferries (Amendment) Bill, 1939, be taken into consideration.

I find that the Hon'ble Minister has already given notice of an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 20th July, 1941. There is also another amendment by Mr. Nur Ahmed to the effect that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of October, 1940. I shall not press my motion if the Hon'ble Minister accepts the motion or Mr. Nur Ahmed that the Bill be circulated till the 31st of October.

Mr. PRESIDENT: Motion moved: that the Bengal Ferries (Amendment) Bill, 1939, be taken into consideration.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: With your permission, Sir, I beg to move a short notice amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1940.

Khan Bahadur ATAUR RAHMAN: Sir, I have no objection to the Hon'ble Minister's motion being accepted.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1940.

The question before the House is: that the Bengal Ferries (Amendment) Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1940.

(The motion was agreed to.)

The Bengal Water-Hyacinth (Amendment) Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Water-Hyacinth (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Water-Hyacinth (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Water-Hyacinth (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Mussalman Matrimonial Jurisdiction Bill, 1940.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move for leave to introduce the Mussalman Matrimonial Jurisdiction Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Hamidul Huq Chowdhury to introduce the Mussalman Matrimonial Jurisdiction Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Mussalman Matrimonial Jurisdiction Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Estates Partition (Amendment) Bill, 1940.

Rai Bahadur BROJENDRA MOHAN MAITRA: Sir, I beg to move for leave to introduce the Bengal Estates Partition (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Rai Bahadur Brojendra Mohan Maitra to introduce the Bengal Estates Partition (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Estates Partition (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Bus Drivers and Conductors Bill, 1940.

Mr. HUMAYUN KABIR: Sir, I beg to move for leave to introduce the Bengal Bus Drivers and Conductors Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Humayun Kabir to introduce the Bengal Bus Drivers and Conductors Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Bus Drivers and Conductors Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Non-Agricultural Tenancy Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Non-Agricultural Tenancy Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Non-Agricultural Tenancy Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Non-Agricultural Tenancy Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Presidency Small Cause Court (Amendment) Bill, 1940.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move for leave to introduce the Presidency Small Cause Court (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Hamidul Huq Chowdhury to introduce the Presidency Small Cause Court (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Presidency Small Cause Court (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Public Gambling (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Gambling (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Public Gambling (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Public Gambling (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Domestic Servants' Relief Bill, 1940.

Mr. HUMAYUN KABIR: Sir, I beg to move for leave to introduce the Bengal Domestic Servants' Relief Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Humayun Kabir to introduce the Bengal Domestic Servants' Relief Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Domestic Servants' Relief Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Land Alienation Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Land Alienation Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Land Alienation Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Land Alienation Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Places of Public Amusement (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Places of Public Amusement (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Places of Public Amusement (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Places of Public Amusement (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Indian Bar Council (Amendment) Bill, 1940.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move for leave to introduce the Indian Bar Council (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Hamidul Huq Chowdhury to introduce the Indian Bar Council (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Indian Bar Council (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Village Self-Government (Amendment) Bill, 1940.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move for leave to introduce the Bengal Village Self-Government (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Hamidul Huq Chowdhury to introduce the Bengal Village Self-Government (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Village Self-Government (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Court of Wards (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Court of Wards (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Court of Wards (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Court of Wards (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Land-Revenue Sales (Amendment) Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Land-Revenue Sales (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Land-Revenue Sales (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Land-Revenue Sales (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Stock Brokers Bill, 1940.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, beg to move for leave to introduce the Bengal Stock Brokers Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Hamidul Huq Chowdhury to introduce the Bengal Stock Brokers Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Stock Brokers Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Agricultural Debtors (Amendment) Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Agricultural Debtors (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Usurious Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Usurious Loans (Bengal Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Usurious Loans (Bengal Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Usurious Loans (Bengal Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal State Aid to Industries (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, beg to move for leave to introduce the Bengal State Aid to Industries (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal State Aid to Industries (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal State Aid to Industries (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Urban Poor Relief Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Urban Poor Relief Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Urban Poor Relief Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Urban Poor Relief Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Wakf (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir I beg to move for leave to introduce the Bengal Wakf (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Wakf (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Wakf (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Agriculturists' Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Agriculturists' Loans (Bengal Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Agriculturists' Loans (Bengal Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Agriculturists' Loans (Bengal Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Land-Revenue Sales (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Land-Revenue Sales (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Land-Revenue Sales (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Land-Revenue Sales (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Juvenile Smoking (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Juvenile Smoking (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Juvenile Smoking (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Juvenile Smoking (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Food Adulteration (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Food Adulteration (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Food Adulteration (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Food Adulteration (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Municipal (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Municipal (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Municipal (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Public Demands Recovery (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Public Demands Recovery (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Primary Education (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Primary Education (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Primary Education (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Primary Education (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Money-lenders (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Money-lenders (Amendment) Bill, 1940.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Money-lenders (Amendment) Bill, 1940.

(The motion was agreed to.)

SECRETARY to the COUNCIL: The Bengal Money-lenders (Amendment) Bill, 1940.

Mr. PRESIDENT: The Bill is introduced.

Order, order. The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 5th August, 1940.

Members absent.

The following members were absent from the meeting held on the 2nd August, 1940 :—

- (1) Rai Bahadur Keshab Chandra Banerji.
- (2) Mr. D. J. Cohen.
- (3) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (4) Maulana Muhammad Akram Khan.

THE BENGAL LEGISLATIVE COUNCIL DEBATES'

THE COUNCIL met in the Legislative Chamber of the Legislative Buildings, Calcutta, on Monday, the 5th August, 1940, at 2-15 p.m., being the sixth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Removal of Holwell Monument.

35. Mr. SHRISH CHANDRA CHAKRAVARTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) why the Government is hesitating to remove the Holwell Monument;
- (b) whether it is a fact that the removal of the said Monument will facilitate the movement of traffic; and
- (c) what are the definite intentions of the Government regarding the demand for the removal of the said Monument?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) There is no hesitation.

(b) Yes.

(c) The honourable member is referred to the statement of Government's policy which appeared in the *Star of India*, dated the 24th July, 1940, a copy of which is laid on the table.

Statement referred to in the reply to question No. 35.

Star of India (Calcutta) of 24th July, 1940, published the following:—

PREMIER'S STATEMENT.

The following is the full text of the Premier's statement:—

“The question of removal of the Holwell Monument was discussed in the Coalition Party in May last and at that time we gave an assurance to the Party that the decision of the Government regarding the question

of its removal would be announced within six months at the least. The question was again considered in a meeting of the Coalition Party this afternoon.

"In pursuance of the assurance given to the Coalition Party in May last and as a result of the discussion in the Party this afternoon, Government have decided to take immediate steps for the removal of the Holwell Monument.

"As regards the regrettable incident on Monday afternoon, I am authorised by my colleagues to convey to the Principal and the staff and the students of the Islamia College their deep and sincere regret if any innocent person was injured. I do not wish to enter into details but I hope that this expression of our regret will be accepted in the spirit in which it is tendered.

"Lastly, I have been authorised to state that Government propose to constitute a Committee of Inquiry to inquire into the incident of Monday afternoon. By taking this step we do not wish in the least to prejudge issues and we believe that these inquiries will be helpful in bringing out the actual facts and serve to put a stop to dissemination of false and mischievous rumours.

"I wish to take this opportunity of acknowledging the unfailing sympathy which the European community have shown towards the question of the removal of the Holwell Monument. Their representatives in both the Houses have ever shown the utmost readiness to respond to Indian opinion and to help us in coming to a satisfactory solution of the question. But for their co-operation and help it would have been difficult to arrive at the decision which I have been privileged to announce to-day."

Mr. HUMAYUN KABIR: Can the Hon'ble Minister give us some idea about the time which might elapse before the steps promised there are carried out?

The Hon'ble Khwaja Sir NAZIMUDDIN: Steps have already been taken. There is no question of waiting for the steps.

Mr. HUMAYUN KABIR: Can we then have some idea when the monument can be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: We are waiting for information from the Government of India. To give effect to our suggestion it is necessary that the Government of India should withdraw the notification by which it was placed under the Ancient Monuments Act.

Cess Revaluation in Bankura.

36. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) the units into which the district of Bankura was divided for general Cess Revaluation under section 1st of the Cess Act in 1892-94, 1904-07 and 1922-26;
- (b) the total estimated gross values of paddy straw of all cess-paying lands of each unit in the above periods;
- (c) the respective areas of all cess-paying lands of each unit in the above periods;
- (d) the estimated maximum values of produce on an average per acre of land in the above periods;
- (e) the average rate per acre in each unit;
- (f) the highest and the lowest acreage rates in each unit;
- (g) the classes of land treated as cess-free; and
- (h) whether he will be pleased to lay on the table statements specifying the average rates and classes of cess-free lands prepared under section 107 of the Cess Act during the last three Cess Revaluations?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) The district of Bankura was not divided into units in any of these revaluation operations, as provisions for the division of a district into units were introduced only in 1934 by the amending Act IX of that year.

(b) to (f) and (h) Do not arise.

(g) No such classification was made nor was it necessary to do so as the cess was assessed on the annual value of lands as defined in section 4 of the Cess Act.

Yield of crop in the bhati areas of Mymensingh.

37. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department kindly state—

- (a) if he is aware that the Bengal Land Revenue Commission in the course of its enquiry had got certain figures and statistics from the Director of Land Records regarding yield of crop in *bhati* areas of Mymensingh (i.e., Ashtogram and other thanas) and it showed that more than half the areas had gone out of cultivation owing to ravages of early flood and water-hyacinth;

- (b) if he is aware that a large proportion of this area which has gone out of cultivation may be made culturable, if minor projects of irrigational bunds and low embankments for resisting first inroads of early flood are constructed in this area;
- (c) if he is aware that some 300 square miles of fertile land have gone out of cultivation in the *bhati* area of Mymensingh, in Itna, Nikhli, Ashtogram, Bajitpore and Tarail thanas; and
- (d) whether the Government contemplate to have investigations made as to how the area can be reclaimed?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan):

(a) The Bengal Land Revenue Commission obtained a report from the Director of Land Records in regard to the yield of crop in the *bhati* areas of Mymensingh which indicated that early flood and water-hyacinth had greatly reduced the area under cultivation but did not precisely indicate that more than half the entire area had gone out of cultivation.

(b) and (d) I have already ordered an inquiry to be made into the matter by suitable experts of the Agriculture and Irrigation Departments.

(c) I am aware that a large area in the locality has gone out of cultivation but cannot precisely say whether the area that has thus gone out of cultivation measures 300 square miles.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state when the enquiry is likely to be commenced?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say that. I think as soon as possible.

Mr. PRESIDENT: Questions numbering 38, 39 and 40 are to be replied by the Hon'ble the Chief Minister. As he is not present, I hold them over.

Allegations against the authorities of the Bengal Government Press.

41. Mr. HUMAYUN KABIR (on behalf of Mr. K. C. Roy Chowdhury): (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that the President, 'Press Employees' Association, Calcutta, wrote a letter on the 11th April, 1940, to him making serious allegations against the authorities

of the Bengal Government Press regarding the subject referred to in question No. 78, dated the 1st April, 1940, of the Bengal Legislative Council? If so, will the Hon'ble Minister please enlighten the House as to the contents of the said letter?

(b) If the reply to clause (a) be in the affirmative, what steps have been taken by the Government or are intended to be taken in the matter? If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) A copy of a letter dated the 12th April, 1940, from the President, Press Employees' Association, is placed in the Library.

• (b) The only point brought to light by that letter which called for any steps by Government was a small error on the part of the Superintendent, Government Press, about application of the leave rules in the case of those whose conditions of service are governed by Fundamental Rules. This error has been brought to the notice of the Superintendent and in future the rules will be applied correctly.

Cut in the pay of the Lino Operators.

42. Mr. HUMAYUN KABIR (on behalf of Mr. K. C. Roy Chowdhury): (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if it is a fact that ever since the declaration of the war prices of all articles, especially those of everyday necessities, have gone up and that the Government have not made any cut in the earnings of the workers?

(b) Is it not a fact that in the Bengal Government Press authorities decided to cut 40 per cent. pay (earning) of Lino Operators working in vernacular composing section?

(c) Is it a fact that the Deputy Superintendents, clerks, readers, supervisors and those working in the Confidential Section in the Bengal Government Press have not suffered the least cut in their pay?

(d) If the replies to clauses (a) to (c) be in the affirmative, will the Hon'ble Minister be pleased to state what is the reason?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The general trend of prices since the outbreak of hostilities in Europe has been upwards.

Government have not made any general reduction in the pays of their employees.

(b) and (d) No.

What presumably the honourable member has in mind is the order of the 24th May, 1940, fixing the piece rates for Linotype composition in Bengali at 40 per cent. for solid matter and at 25 per cent. for electoral rolls and work of a similar nature above the rates for Linotype composition in English.

Linotype composition in Bengali was first introduced into the Bengal Government Press in December, 1935. As the work was new and there was an obvious likelihood of considerable hardship if the same rates were fixed for Bengali composition as obtained for English composition, the former rates were fixed in the first instance at 50 per cent. above the rates for English composition. The position is reviewed annually and the orders are designed to ensure to Bengali Linotype Operators earnings of the same order as those earned by their colleagues on English composition. A comparison of the earnings of those engaged on Bengali composition with those engaged on English composition for the year ending on the 10th March, 1940, indicated that there was no longer any justification for retaining the rates for Bengali composition at the flat rate of 50 per cent. above the rate for English composition and the rates were accordingly fixed at 40 per cent. above for solid matter and 25 per cent. above for Bengali electoral rolls and similar work.

(c) Yes, with the exception of the Bengali Linotype Operator of the Confidential Section who is also subject to the order, dated the 24th May, 1940, fixing the piece rates for Linotype composition in Bengali at 40 per cent. for solid matter and at 25 per cent. for electoral rolls and work of a similar nature above the rates for Linotype composition in English.

Mr. HUMAYUN KABIR: Can the Hon'ble Minister give this House some idea of what in actual amount is the difference between the 50 per cent. and 40 per cent. as mentioned in answer to (c)?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, that I am unable to say. The new rates only bring the earnings into line with the earnings of the English Linotype operators.

Mr. HUMAYUN KABIR: My question is slightly different. The question I asked is what difference has it made to the salary of these operators in terms of actual amount.

The Hon'ble Mr. H. S. SUHRAWARDY: My reply was that I do not know.

Prosecution of the Editor and Printer of the "Ananda Bazar Patrika".

43. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that for publishing an article entitled "Odds and Ends" on the 7th April last, Sreejut Satyendra Nath Mazumdar, Editor of the *Ananda Bazar Patrika*, and Sreejut Suresh Chandra Bhattacharjee, printer and publisher of the said newspaper, were prosecuted in the Court of the Chief Presidency Magistrate at Calcutta?

(b) If so, what was the result of that prosecution? Have they been convicted? If so, what was the form of the sentence?

(c) What was the cost of the Government for that prosecution?

(d) Did the *Ananda Bazar Patrika* publish any speech delivered by Mr. Subhas Chandra Bose or by Swami Sahajananda during the National Week in contravention of the prohibitory order issued by the Government under the Defence of India Rules which was published in the *Calcutta Gazette* on the 5th April last?

(e) Since the inauguration of Provincial Autonomy, how many times was the *Ananda Bazar Patrika* prosecuted and on what charges and with what results?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) The editor, printer and publisher of the paper were convicted under rule 41 (3) of the Defence of India Rules and released with an admonition by the Chief Presidency Magistrate, Calcutta.

(c) The information is not readily available.

(d) No.

(e) Once.

Collection of agricultural loans in the district of Bankura.

44. Rai Bahadur MANMATHA NATH BOSE: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many Presidents and Secretaries of Union Boards in the Sadar Circle of the district of Bankura were empowered to collect agricultural loans and by whom were they authorised?

(b) Was any receipt given by them?

(c) Were the amounts collected by them remitted to the Treasury or the Circle Officer concerned in due time?

(d) Is it a fact that the actual sum collected by them were not paid to the authorities?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) No President or Secretary of a Union Board in the Sadar Circle was empowered to collect agricultural loans.

(b) to (d) Do not arise.

Election of Presidents of the Union Boards of the Sadar Circle of Bankura.

45. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

- (a) the dates, times and places of elections of Presidents of Union Boards in the Sadar Circle in the district of Bankura;
- (b) whether the Presiding Officers were empowered under rule 29 of the Election Rules under the Village Self-Government Act by the District Magistrate, and the special meetings were convened under rule 31 of the said Rules;
- (c) whether rule 1 of the Rules regulating the conduct of meetings of Union Boards was complied with;
- (d) whether the minutes of proceedings were entered in the books of the respective Union Boards;
- (e) if it is a fact that the Circle Officer, Sadar, has compiled Union Board Manual in Bengali and that the said officer violated rules at the time of the elections of the Presidents;
- (f) whether it is a fact that Babu Baneswar Das died before election and that his name was published in the *Calcutta Gazette* as an elected member of the Jamtara Union Board within police-station Chhatna, and that a notice was also sent to his address to attend the special meeting convened for electing a President; whether any one has been elected in his place; if so, when the bye-election was held; and
- (g) how many times the Circle Officer visited the Jamtara Union Board between October, 1938, and June, 1939?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Public Health and Local Self-Government Department, the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Steps have been taken for the collection of the information which is not yet available.

Rai Bahadur MANMATHA NATH BOSE: May I enquire, Sir, when it will be available?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult to give any particular date by which it will be available, but Government are trying to collect the information as early as possible.

Adjournment Motion.

Mr. PRESIDENT: The Chair has received the following notice for adjournment of the business of the House from Mr. Lalit Chandra Das:—

“That this Council do adjourn its business to discuss a definite matter of urgent public importance, viz., the situation which has arisen out of a serious railway disaster to Dacca Mail involving several deaths and many injured which occurred last night between stations Darsana and Jairampur near Chuadanga. The disaster could and should have been prevented if proper steps and precautions were taken by the railway officials concerned.”

As the motion relates to a matter which is not primarily the concern of the Local Government, I hold that it is clearly out of order. If, however, Government desire to give any information to the House on this very important matter, they may do so; but it will not be in connection with this motion.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, the information which we have received from the Railways so far is very meagre. But as I find—and it is only natural—that hon'ble members of the House are very anxious to get some information about this tragic incident, I give the following facts relating to the occurrence which I have gathered from the General Manager of the Railways over the 'phone and also after having a personal talk with him at the Sealdah Railway Station.

The unfortunate accident occurred to the “8 Down” Dacca Mail near Jairampur about 80 miles from Sealdah Station at about 2-55 a.m. this morning. It is alleged by the Railways that one of the rails was removed from the track and as a result the engine and three bogies fell down the embankment and crashed. The number of dead, from information so far received is 20, and the number of injured is about 40. I may further inform the House that the Chief Medical Officer, who happened to be near the place of occurrence, went to the spot by 4-40 a.m. The first relief train reached there by 5 a.m. and the second

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relief train was there by 8 a.m. The District Magistrate, the Superintendent of Police, and the Senior Government Inspector have left for the place of occurrence for local enquiry. The injured are being brought to Calcutta by the "2 Down" train which, I hope, has arrived Sealdah by now. Sir, I may also state that I had been to the railway station to look to the arrangements which have been made by the railway authorities for giving first-aid to the injured and also food and drink. I am glad to inform the House that the arrangement made by the new General Manager is excellent. A black-board has been hung up at a prominent place which is being utilised to give the names which they are receiving by telegram about the dead and the injured. They are also using a megaphone for the purpose of announcing the names to those who are not near the board. Secondly, they have made arrangements almost at every station where the train stopped to supply food and drink not only to the injured but also the other passengers who are coming in that train or by subsequent trains which have been delayed. Special arrangements have also been made in the Kanchrapara railway station where a medical officer has been posted to take out from the railway train any serious case which might be in need of immediate removal to the hospital.

Sir, that is all the information we have received so far. I was anxious to see for myself the injured persons when they arrived, but I had to come away for this adjournment motion which you have, Sir, disallowed.

Mr. NARESH NATH MOOKERJI: Has the Hon'ble Minister any information whether this train was carrying any members of the Legislature to Calcutta?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have no information so far about that.

Mr. LALIT CHANDRA DAS: Has the Hon'ble Minister any information as to the cause of the disaster?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have said just now, it is impossible to say anything definitely about the cause of the accident at this stage, because the whole place must now be full of *débris*. But the information which the Railway authorities have got and what they allege is that one of the rails was removed from the track and that was responsible for the accident. We must, however, wait for the magisterial enquiry to get at the real facts of the case.

Panel of Chairmen.

Mr. PRESIDENT: Order, order. Under Rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

- (1) Mr. Kamini Kumar Dutta,
- (2) Begum Hamida Momin,
- (3) Raja Bhupendra Narayan Sinha Bahadur, and
- (4) Mr. J. B. Ross,

on the panel of Chairmen for the current session.

Committee of Privileges.

Under Rule 120 of the Bengal Legislative Council Procedure Rules, a Committee of Privileges is to be constituted by election. I fix 2 p.m. on Friday, the 9th August, 1940, as the last date for receiving nominations for the said Committee. I also fix Monday, the 12th August, 1940, as the date for the election, if necessary, to be held after the questions.

Committee of Petitions.

Under Rule 84 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (as *ex-officio* Chairman),
Khan Bahadur Ataur Rahman,
Rai Keshab Chandra Banerjee Bahadur,
Mr. W. B. G. Laidlaw, and
Mr. Sachindra Narayan Sanyal,

on the Committee of Petitions.

House Committee.

Under Rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (as *ex-officio* Chairman),
Khan Bahadur Rezaqul Haider Chowdhury,
Mrs. K. D'Rozario,
Mr. W. F. Scott-Kerr,
Mr. Ranajit Pal Chowdhury,
Mr. Mesbahuddin Ahmed, and
Mr. Hamidul Huq Chowdhury,

on the House Committee for the current session.

Library Committee.

Under Rule 121 of the Bengal Legislative Council Procedure Rules, I nominate—

Mr. Humayun Kabir,
Khan Bahadur Naziruddin Ahmed,
Rai Manmatha Nath Bose Bahadur,
Mr. Lalit Chandra Das,
Mr. Srish Chandra Chakraverti,
Mr. D. J. Cohen, and
Mr. Humayun Reza Chowdhury,

on the Library Committee for the current financial year.

Governor's assent to Bills.

I have now to announce to the House the names of the Bills which having been passed by both the Houses of the Bengal Legislature have received the assent of His Excellency the Governor-General in the name of His Majesty, under the provisions of section 76 (1) of the Government of India Act, 1935, viz.,—

- (1) The Official Trustees (Bengal Amendment) Bill, 1940,
- (2) The Administrator-General (Bengal Amendment) Bill, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have the honour to give notice that at the present session of the Bengal Legislative Council I shall introduce the Bengal Water-Hyacinth (Amendment) Bill, 1940, and shall move that the Bill be taken into consideration and passed, as settled in the Council.

The Bengal Shops and Establishments Bill, 1940.

Mr. PRESIDENT: The House will now resume discussion on the Bengal Shops and Establishments Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in view of the fact that a large number of amendments have been tabled, Government are not in a position to proceed with the consideration of the Bill to-day but desire to discuss the various amendments with some members representing certain groups of this House. I would, therefore, suggest that the consideration of this Bill be postponed till Thursday next.

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. May we know whether it will be open to us to suggest further amendments in that case?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after the consideration of the various amendments some of which Government will be inclined to accept, and also in order to conform to the views expressed by the honourable members of this House, it may be necessary to put in certain amendments to those already tabled. I do not wish to take the honourable members by surprise and it would be much better if we could put in new amendments by Thursday next and also circulate them to the honourable members so that they will know what amendments we are going to press.

Mr. PRESIDENT: I would like to know by what date the amendments will be sent to the Council office.

The Hon'ble Mr. H. S. SUHRAWARDY: By Wednesday, Sir.

Mr. PRESIDENT: The difficulty will be that there will be hardly any time for the honourable members to scrutinise the amendments before they are taken up on the next day.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the new amendments which we are proposing to put in only arise out of the amendments that have been already tabled. There are no fresh amendments that we propose to put in.

Some of the amendments do not exactly express the views of the honourable members who have given notice of them and also some of the amendments will have repercussions on the other clauses of the Bill. It is in order to examine them and to find out which of the clauses will have to be modified and which of the amendments we can accept that we want to postpone discussion on the Bill to-day. For these reasons, some further consideration is necessary and we therefore propose that the discussion may be postponed till Thursday next. As there will be no fresh amendments, I think there will be no difficulty in proceeding with the Bill on Thursday.

Mr. KAMINI KUMAR DATTA: In view of what has been said by the honourable member in charge of the Bill, since Government contemplate some alterations in the text of the Bill, I think other members ought to be given an opportunity after the Government amendments are placed on the table, to put further amendments.

Mr. PRESIDENT: So far as I have understood the Government position, they have received notices of some amendments from non-official members. Government will consider those amendments with a view to accept as many of them as are approved and will incorporate those in their own amendments. Further, the acceptance of some of the amendments may involve alterations of a consequential nature which will have to be made in some of the other clauses.

Mr. NARESH NATH MOOKERJEE: What I really meant was whether amendments that may be put in by private members by Wednesday next will be included.

Mr. PRESIDENT: The last date for submitting amendments has already been passed and those amendments of which notices have been received are now included in the consolidated list of amendments. Of course, if there be any further amendments, acceptable to the House unanimously, they might be accepted, as it is always done, at short notice.

Mr. HUMAYUN KABIR: Sir, there is one other point on which we would like to have a little clarification. Government proposes to accept some of the amendments and we want to know beforehand what amendments Government proposes to move in the House. Government may bring them forward as short notice amendments but what we are concerned with is that short notice amendments should not come before us on the floor of the House all at once but at least 24 hours earlier.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, a large number of amendments have been tabled and some of them or the principles involved in them are going to be accepted by Government. On those amendments Government would propose their own drafts. In that case it would be necessary for the honourable members to see whether the amendments of the Government really fit in with the text of the Bill. We cannot be too careful in this respect. In these circumstances, I think Thursday would be rather too short an interval for the House and I am inclined to agree with the suggestion put forward by the Leader of the Congress party. In fact, the House may reasonably like to consider the entire situation. This is a non-contentious Bill but the House will certainly like to carefully consider the amendments that may be proposed by the Government to enable them to make up their mind. Therefore, I fear, so far as we are concerned, we being a bit slower to follow quick changes of drafts, we should take a little more time and I suggest that Monday would be more suitable. I believe a little extra time will make the Bill more perfect. Although the spirit of the amendments may be accepted, still a technical

consideration of the wording would, I submit, be a useful investment. Last minutes changes have their pitfalls and unforeseen difficulties. I would, therefore, suggest that Monday would be very suitable from the point of view of the honourable members.

Th Hon'ble Mr. H. S. SUHRAWARDY: Sir, I fail to understand why Khan Bahadur Naziruddin Ahmad is so apprehensive about this matter and wants further time. After all, we could go on considering this Bill item as it now stands. But it means this—that we shall be wasting a lot of time in discussing the amendments having not made up our minds whether to accept or reject them. I wanted to avoid the necessity of dragging on this Bill, and I would like to indicate the amendments which the Government propose to make, so that the honourable members will know what Government propose to do. Under these circumstances, I do not think it will be necessary to take as long a time as Monday. But if honourable members desire it, I am in their hands.

Mr. PRESIDENT: Should we adjourn till Monday?

Mr. RANAJIT PAL CHAUDHURI: Sir, Friday is a non-official day and we do not want to give up that day.

Mr. NARESH NATH MOOKERJEE: Before you arrive at a decision, may I make a submission? Private members should be given an opportunity to put in some new amendments. I feel sure that this will serve the interest of the Bill itself and it would be improving certain clauses which the Government at that time may accept or refuse to accept. I feel, Sir, as the Government are getting time, we may also get some time to put in some other amendments to the Bill. I pray that you will take this matter into consideration before you arrive at a decision.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry, I cannot see eye to eye with the honourable member. There will be ample time.

Mr. PRESIDENT: The difficulty is that a consolidated list of amendments has already been made and that arrangement will have to be changed if new amendments are accepted. So, the Chair will not accept new amendments, except when they are very few in number and very important.

Mr. HUMAYUN KABIR: Sir, I am not at all interested in the matter of postponing the Bill till Friday. I do not mind if it is taken up to-day. We want 24 hours' time before the Government amendments are placed before us. Otherwise, it will be very inconvenient if they are given to us suddenly on the floor of the House; we may not be able to give time to consider them.

Mr. PRESIDENT: Mr. Dutta, do you want the House to sit on Friday.

Mr. KAMINI KUMAR DATTA : Yes Sir, we want to sit on Friday.

The Hon'ble Mr. H. S. SUHRAWARDY : Sir, in that case, let us adjourn till Thursday. They cannot have both ways.

Khan Bahadur ABDUL KARIM: Sir, my party's opinion is divided but I think the majority of them are inclined to the opinion that the matter might well be taken up on Monday instead of on Thursday. They are not going to lose the non-official day on Friday. Either this Bill might be taken up on Thursday or on Monday next.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out in view of the notice given by my honourable colleague in charge of the Agricultural and Industries Department that the honourable member will get another Friday, which otherwise he would not have got. Two Fridays are already exhausted.

Mr. PRESIDENT: Order, order. The notices of amendments from Government will be received by Wednesday. The Council stands adjourned till 2-15 p.m. on Thursday, the 8th of August.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 8th August, 1940.

Members Absent:

The following members were absent from the meeting held on the 5th August, 1940:—

- (1) Rai Bahadur Keshab Chandra Banerjee.
- (2) Mr. D. J. Cohen.
- (3) Mr. Bankim Chandra Datta.
- (4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (5) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (6) Maulana Muhammad Akram Khan.
- (7) Dr. Radha Kumud Mookerji.
- (8) Mr. W. F. Scott-Kerr.
- (9) Mr. R. W. N. Ferguson.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Buildings, Calcutta, on Thursday, the 8th August, 1940, at 2-15 p.m. being the seventh day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Resolution Condoling the Death of Rai Sahib Indu Bhusan Sarker, M.L.C.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with your permission, I would like to move the following resolution, viz.—

That this House places on record its deep sense of sorrow at the untimely death of Rai Sahib Indu Bhusan Sarker in very tragic circumstances in the recent Dacca Mail disaster and desire to convey its heartfelt condolences to the members of his bereaved family.

Sir, it is my melancholy duty to bring to the notice of the House the fact that Rai Sahib Indu Bhusan Sarker lost his life in the Dacca Mail disaster which happened in the early hours of Monday, the 5th of August. The Rai Sahib represented the general constituency of the districts of Bakarganj and Faridpur in this House from the beginning of 1937. By his amiable disposition, unassuming manners and abilities he earned the respect and affection of members belonging to all sections of this House.

Coming from a very wealthy family of bankers and zemindars in the district of Faridpur, the Rai Sahib maintained the traditions of public spirit and generosity of his family. In his death the House has lost an active member, his constituency an able representative and the district of Faridpur a prominent and promising public man. I am sure it is the desire of the members of this House to convey their heartfelt condolences to the members of the bereaved family.

With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this House places on record its deep sense of sorrow at the untimely death of Rai Sahib Indu Bhusan Sarker in very tragic circumstances in the recent Dacca Mail disaster and desire to convey its heartfelt condolences to the members of his bereaved family.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:

Mr. President, Sir, it is my melancholy duty to second the resolution which has been moved by my friend, the Leader of the House, and to offer our deepest sympathy and condolences to the members of the bereaved family. Rai Sahib Indu Bhusan Sarker was the Secretary to our party. The Leader of the House has already said that the sad accident took place on Monday last and he was one of the victims of the Dacca Mail disaster. With regard to the Rai Sahib, it is no exaggeration to say that he was one of the most active members of this House. For the last three and a half years, we worked together and we always found him taking a keen interest in the business of this House. Only on Friday last we went together from this House and had a long discussion regarding our future programme of work. I did not know then, and no one could have dreamt then, that he would leave us so soon. It was really a cruel shock to us when we heard that he had lost his life in the accident. He was in the prime of life; he was active and full of vigour; and the shock has been most cruel to us because it was so sudden and unexpected. I may be permitted to quote in this connection, the words of our late leader, the Maharaja Bahadur of Santosh, "What shadows we are, what shadows we pursue"! You have yourself noticed how much interest the late Rai Sahib took in the business of this House. During the discussion on the Bengal Money-lenders Bill, he suggested several amendments because it was his conviction that those amendments were very useful; and although he could not carry out the amendments he was not disheartened but pressed them with vigour and sincerity of purpose. As the Leader of the House has already observed, we have lost a great friend and an active and sincere member of this House. It is a cruel shock to my party that we have lost the able Secretary to our party. Our party has been benefited by his sound advice and wise counsel. His loss to us therefore is irreparable and irrecoverable.

In conclusion, Sir, I offer my sincerest and deepest condolences to his sons and other members of the bereaved family and I think it would not be improper on my part to offer our sympathy and condolences to the bereaved families of those unfortunate persons who have lost their lives in this accident and also our sympathy to the injured persons.

Sir, the Rai Sahib rose to prominence not only as a member of this House but also for having taken a prominent part in the welfare of his own district. He was the Vice-Chairman of the District Board of Faridpur, a Commissioner of the Faridpur Municipality, an Honorary Magistrate with first class powers; he was also the Secretary to the Central Co-operative Bank and also was connected with many other institutions. Lately, he was the Secretary to the War Fund and has himself contributed about Rs. 2,000 from his own purse. He had also

established a school and a dispensary in the name of his late revered father. Sir, these philanthropic acts shows how noble and charitably disposed he was and also how much interest he used to take in the welfare of his own district. His sweet temperament, loving manners and his unexceptionable courtesy had made him so popular and beloved a figure in the public life of Faridpur.

Khan Bahadur M. ABDUL KARIM: Sir, it is really with melancholy hearts that we have assembled to-day. The Dacca Mail disaster, involving the loss of 40 lives known so far and numerous wounded persons, has come as a great shock to us and we on this side of the House have felt sorely grieved by the tragic and pathetic death of our friend and colleague Rai Sahib Indu Bhusan Sarker. Born with a silver spoon in his mouth, he was able to devote his whole time and energy to the study of politics, and his achievements in his own district of Faridpur during the last 12 or 13 years bear eloquent testimony to his genuine public spirit and generosity. Here in this Council too, he gave very early promise of an earnest worker and although he used to cling tenaciously to his own opinion, he had that cardinal human virtue, namely, tolerance for the opinions of others, and a sincerity of purpose. As a man, his was a charming personality. I found that he had a deep-rooted respect, which is very rare now-a-days, for his seniors: he was courteous to all. As a matter of fact, he was a true gentleman every inch of him. We all deplore his loss and that his useful public career should have been cut off in the prime of life. We can only exclaim in the words of the Persian Poet—"Oh! we were looking joyously at the blossoming of the rose when lo! the spring tide abruptly came to end and blasted that rose for ever".

We think it our duty to offer our sincere and genuine condolences to the members of the bereaved family and we pray to God for the welfare of his soul and also that He may grant to the members of his bereaved family the strength of mind to bear up the terrible loss. With these words, I support the resolution moved by the honourable Leader of the House.

Mr. NARESH NATH MOOKERJEE: Mr. President, Sir, on behalf of the Congress Group in this House, I wish to record our deepest sense of sorrow and sympathy at the untimely death of Rai Sahib Indu Bhusan Sarker. Sir, the Rai Sahib, though he was very young in years, had already created a great impression on this House by the good work that he had done in connection with some important legislations that were passed. Sir, his untimely death and the circumstances which led up to it have cast a mournful shadow over the loss. We not only

mourn his loss but we wish to tender to his family and to his son particularly our sincerest sympathy in the irreparable loss they have sustained. I desire also to move that as a mark of respect to the memory of the late Rai Sahib the business of the House do stand adjourned for the day.

Mr. J. B. ROSS: Mr. President, Sir, the members of the European party in this House desire me most earnestly to associate them with the sentiments which have been expressed by the Leader of the House and by other members who have just spoken in reference to the most unfortunate and untimely death of our late colleague, Rai Sahib Indu Bhusan Sarker. We have had ample opportunity in this House to listen to the views which he had expressed from time to time and we are in no doubt as to his honesty of purpose and his transparent sincerity. It is, therefore, a most tragic event which has cut off in the prime of life a man of those attributes. This House has lost by his death a keen debator, a man of unblemished character and a cultured gentleman. The European Party in this House deeply regret the loss of a friend and colleague, and they desire me to extend to the members of his family their sincerest sympathy in their very sudden and very great bereavement.

With these words, I desire to associate the European Party with the motion moved by the Leader of the House.

Mr. HUMAYUN KABIR: Mr. President, Sir, the news of the death of Rai Sahib Indu Bhusan Sarker came as a great shock to every member of this House, and the shock was the greater because it was so unexpected. Only a few days ago he had been in this House with us and had taken part in the activities of this House, and even after the accident had happened, many of us were under the impression that his business had called him away from Rajbari to Goalundo in which case he would have been on the river and many of us were under the impression that he had escaped the disaster. But it came as a greater shock when we suddenly learnt that death had called him away from us. Death is inevitable no doubt, but when it comes suddenly and particularly to persons in the prime of their youth to men who have their all to give to their community, to their country, it comes with a greater shock, and we on this side of the House—and I am sure all members of this House—are at one in expressing our very great sorrow at the loss which the House has suffered on account of his death and also in expressing our deepest sympathy with the bereaved family. With these words, Sir, I also associate myself with the words of grief at his death and also with the desire expressed by my friend Mr. Mookerjee on behalf of this House that the business of the House should be adjourned as a mark of memory to the departed soul.

Mr. MOAZZEMALI CHOUDHURY : সভাপতি মহাশয়, আমার সহৃদয় বন্ধু এবং সহকর্মী রায় সাহেব ইন্দুভূষণ সরকার আজ আর আমাদের ভিতর নেই। তাঁর জন্য যে অন্তরের ব্যথা ও বেদনা অনুভব কোরছি, তা ভাষায় প্রকাশ কোরতে বাস্তবিক আমার পক্ষে সম্ভব হবে না।

রায় সাহেবের সঙ্গে আমার যে সম্পর্ক সে আজকের নয়,* গত দু-পুরুষ আমরা পরস্পর, পরস্পরের প্রতিবেশী। মাত্র শুক্রবার দিন,—যে দিন রায় সাহেব এখান থেকে ফরিদপুর রওনা হন, সেই দিন বিশেষ কোরে আমাকে বলেছিলেন যে আমরা একত্রে গিয়ে ফরিদপুর municipal meeting এবং school committee's meeting কোরে আবার সম্মুখ সেই দিনই এক সঙ্গে কলিকাতায় ফিরবো। তাঁর কথা মত আমি ও রায় সাহেব একই trainএ Dacca Mixedএ এখান থেকে যাই, এবং একত্রে আমরা সেখানে municipal এবং school committee meetingএর কাজ শেষ করি। Municipal ও school committee's কাজ শেষ করে, রায় সাহেব বলেছিলেন, stationএ আবার দেখা হবে, একই trainএ আবার ফিরবো। তখনও পর্যন্ত ধারণা করতে পারিনি যে, আমাদের ছেড়ে এই রকম করে রায় সাহেব চলে যাবেন।

প্রত্যেক কাজে, জেলার ভিতর school committee, municipal boardএ, district board, local board, charitable dispensary এবং নানাবিধ জনহিতকর কার্যে, রায় সাহেবের সঙ্গে আমি একত্রে কাজ করবার সুযোগ পেয়েছি; এবং তাতে দেখেছি আমার বন্ধু রায় সাহেব দেশের এবং জনসাধারণের হিতের জন্য কতখানি চেষ্টা এবং স্বার্থ-ত্যাগ করে থাকেন, এবং গুণ Government-এর তরফ থেকেই সমস্ত কাজ করেছেন তা নয়, তিনি নিজের থেকে, ব্যক্তিগত ভাবে অজস্র টাকা জনহিতকর কার্যে ব্যয় করেছেন।

যখন এই দুর্ঘটনার কথা আমি শুনি, তখন সেখানে উপস্থিত হ'য়ে সর্বাপ্রাণে অন্যান্য বন্ধুদের সঙ্গে, আমি রায় সাহেবের খোঁজ করি। এবং সব চেয়ে দুঃখের বিষয়,—আমি যখন অন্যান্য হতাহতদের সংবাদ পড়ি তার ভিতরে, তখন রায় সাহেবের কোন খোঁজ পাইনি, আমি চ'লে আসবার পর রায় সাহেবের মৃতদেহ বার করা হয় debris ভিতর থেকে। তারপর আমার শ্রদ্ধেয় বন্ধু মৌলভী তামিজ উদ্দীন সাহেবের কাছ থেকে যখন গুনলাম যে রায় সাহেব নিহত হয়েছেন, তখন প্রথমে কিছুতেই বিশ্বাস ক'রে উঠতে পারিনি; কারণ, আমি নিজ চোখে যাকে দেখিনি, নিজে যার মৃতদেহের খোঁজ পাইনি, কি ক'রে তিনি এই রকম ভাবে নিহত হ'তে পারেন?

যাক, আমি আর বেশী কিছু বলতে চাই না এবং বলবারও ভাষা পাচ্ছি না।

শ্রীযুক্ত নরেশবাবু এবং ছায়াুন কবীর সাহেব যা বলেছেন সেটা আমি সর্বান্তঃকরণে সমর্থন কোরছি। Sir Bijay যে প্রস্তাব ক'রেছেন, সেটাও আমি অন্তরের সঙ্গে সমর্থন করছি।

Rai Sahib JATINDRA MOHAN SEN: Sir, I beg to associate myself with the words that have fallen from the various members of

this House. I have been associated with Rai Sahib Indu Bhusan Sarker since the time we became members of this House, and it had always been my privilege to sit side by side with him on this bench. I now find, Sir, to my great disconsolation and to my great grief that this seat by my side is vacant. I cannot for a moment believe that he has left this world in those tragic circumstances. When we dispersed on the last occasion we could not even think for a moment that that would be his last sitting in this House, and since I have had the privilege of knowing him I have found him to be a very sincere worker for the uplift not only of his district but of this province. He had a broad and liberal mind, and he entered into every question with sincerity of purpose which I found to be always laudable. I thought that I would be failing in my duty if I did not associate myself with the feelings that have been so well put and so well advanced before the House, and I therefore also support the motion that this House should be adjourned as a token of respect to the memory of that member of this House.

Mr. PRESIDENT: Before I place this condolence resolution for the acceptance of the House, I desire to associate myself with all that has been said by the Hon'ble the Leader of the House and other honourable members of different parties in the Council.

I do not think that many words are called for to express all that one feels on such an occasion. Born in a rich zemindar family of the district of Faridpur, Rai Sahib Indu Bhusan Sarker though brought up in the tradition of old-world aristocracy, was simple in habits, modest in bearing and deeply religious in outlook. The popularity with all sections of the people of his district which he came to enjoy quite early in his public life enabled him to occupy leading positions in his district,—in the Union Board, Local Board, Municipality and the District Board. Indeed, there was no public institution in Faridpur with which the Rai Sahib was not connected and which did not benefit by his selfless services. As the founder-secretary of the Faridpur Ishan School which bears the name of his late father, Rai Sahib Ishan Chandra Sarker, and as one closely connected with the Faridpur Rajendra College he also rendered meritorious services in promoting the cause of education in his district. The question of the establishment of a Girls' High School in his district was one of the favourite subjects which he persistently raised through questions and speeches in this House.

The Governor of Bengal has very kindly requested me to convey His Excellency's sincere sympathy to the relatives of the Rai Sahib on their tragic loss.

I desire the honourable members to rise in their places in support of this motion.

(Members rose in their seats.)

It will be my duty to communicate to the members of his family the deep sympathy and sorrow of the House. As a mark of respect to the memory of the deceased, I order the Council Department to be closed for the rest of the day and I adjourn the House without transacting any business till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 9th August, 1940.

Members Absent:

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The following members were absent from the meeting held on the 8th August, 1940:—

- (1) Mr. Kader Baksh.
- (2) Rai Bahadur Keshab Chandra Banerji.
- (3) Khan Sahib Abdul Hamid Chowdhury.
- (4) Mr. Kamini Kumar Dutta.
- (5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (6) Khan Bahadur Syed Muhammad Ghaziul Huq.
- (7) Maulana Muhammad Akram Khan.
- (8) Mr. W. B. G. Laidlaw.
- (9) Dr. Radha Kumud Mookerji.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 9th August, 1940, at 2-15 p.m. being the eighth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Income and Expenditure of the Faridpur District Board.

46. Rai Bahadur MANMATHA NATH BOSE (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

- (a) what was the total revenue collected by the Faridpur District Board in the years 1936-37, 1937-38 and 1938-39; what were the arrears of collection in these years;
- (b) the amount of money spent on travelling and daily allowances of the Chairman, the Vice-Chairman and the members of the District Board for these years, respectively;
- (c) whether any remuneration, in addition to travelling and daily allowance, has been paid to any member during this period; if so, the amount paid and the name of office of the member to whom it was paid;
- (d) the amount of money spent for maintenance of roads in the different subdivisions during the years 1936-37, 1937-38 and 1938-39, whether any amount was spent in any of the subdivisions on new projects for the improvement of communications;
- (e) the amount of money spent on medical relief in the different subdivisions during the period;
- (f) the amount of money spent for education in the different subdivisions during the period; and
- (g) the number of tube-wells sunk in the different subdivisions during this period?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): A statement is laid in the Library. Owing to the short time available, it has not been possible to collect the figures of expenditure on "medical relief" and "education", subdivision by subdivision. The figures of total expenditure on these objects for the district as a whole have accordingly been shown in the statement.

Cultivation of betel leaves etc., in Bankura district.

47. Rai Bahadur MANMATHA NATH BOSE: (a) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that formerly betel leaves and cucurbitaceous fruits were imported into the district of Bankura and that owing to the spread of cultivation of those varieties the import has been stopped?

(b) In how many police-stations have betel plants been planted and have cucurbitaceous plants been transplanted?

(c) How and in what way has the Agricultural Department helped the growers?

(d) If the answer to part (c) be in the negative, do the Government propose to appoint an expert officer to advise and help the growers?

(e) Is it a fact that the poor cultivators could not transplant sugarcane last year for want of sugarcane cuttings?

(f) Has the Agricultural Department made any arrangement for the supply of sugarcane cuttings this year?

(g) Is it a fact that molasses are imported into the district of Bankura in a very large quantity from the Provinces of Bihar and Madras?

(h) Is it a fact that the Agricultural Department can help the growers in replacing Co. No. 213 by Co. No. 331 as the latter variety gives 50 or 60 per cent. better products and 8 per cent. more sugar and this variety is suitable for the soil of the Bankura district?

(i) Is it a fact that potatoes are imported in large quantities into Bankura from Bihar?

(j) What steps, if any, have been taken for the spread of cultivation of potatoes throughout the district of Bankura and thereby to check the import?

(k) Is any sum of money given annually to the District Agricultural Association? If so, how much; and how is that amount utilised?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) I have no information that betel leaves and cucurbitaceous fruits were formerly imported into the district of Bankura. All that I can say is that they are not so imported now.

(b) The information wanted under this clause of the question is not readily available and its collection will require a regular survey in the district in respect of the cultivation of betel plants and cucurbitaceous plants which it has not yet been possible to undertake.

(c) The growers are helped with advice and supervision by the departmental officers whenever asked by them.

(d) Does not arise.

(e) I am not aware of any difficulties felt by the sugarcane growers for want of cuttings. The department distributed one lakh of sugarcane cuttings in the district last year.

(f) 22,500 cuttings have so far been distributed in the district during the current year.

(g) I have no information of any import of molasses in the district of Bankura from Bihar and Madras.

(h) Co. 331 is a late variety of cane which cannot replace Co. 213 which is a mid-season cane. Besides the former has a hollow pit inside which detracts much from its value.

(i) Yes.

(j) All possible steps are being taken for the spread of the cultivation of potato in Bankura as well as in other districts of Bengal by demonstration in the Thana Farms and Demonstration Centres, by supply of better seed potatoes from Darjeeling Hills and by propaganda to grow more potatoes and advice as to how to do it.

(k) No. Grants to District Agricultural Associations generally were suspended some years ago on the ground that they were not doing much useful work.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state if there are thana farms in every thana of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state if there is any thana farm in the whole of Kishoreganj subdivision?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have not collected any information about that place at all.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister kindly state if he is aware that this sugarcane Co. 213 is now affected by red rot in various parts of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say off-hand. I want notice.

Poultry diseases.

48. Khan Bahadur ATAUR RAHMAN: (a) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the death rate of poultry in almost all the rural areas of Bengal is very high owing to the frequent outbreak of cattle diseases?

(b) Has any enquiry been made to find out the cause, and if so, has any remedy been found for the protection of the poultries from such diseases?

(c) If not, what steps do Government propose to take to help the cultivators who rear poultries?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) I am aware that numerous deaths of poultry occur throughout Bengal owing to poultry diseases, but so far as is known to Science there is no connection between cattle diseases and poultry diseases.

(b) The causes of some poultry diseases have been ascertained and when it has been possible to prepare appropriate vaccines and sera these are used as preventives and cures. The causes of all diseases of fowls, in particular the Ranikhet disease, are not yet fully known and no preventive measures such as vaccine and serum have yet been discovered. The Imperial Institute of Veterinary Research is working on this problem.

(c) Where vaccine and serum preventives have not yet been discovered steps are taken to limit outbreaks as much as possible by hygienic control. A scheme for the investigation of poultry disease in Bengal is under preparation.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly say what are the duties of the live-stock officers then?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, they have various duties. They have to look after Government bulls that are distributed throughout the length and breadth of the country. They have certain other duties as well.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is there any special poultry officer?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think so, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that owing to these epidemic diseases poultry farming is not becoming popular in Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think so. There are poultry diseases prevalent in Bengal, but I do not think that the diseases are prevalent to such a degree as to make the whole thing unpopular in Bengal.

Messages from the Assembly.

The SECRETARY to the COUNCIL (Dr. S. K. D. Gupta): Sir, the following message signed by the Hon'ble Speaker has been received from the Bengal Legislative Assembly:—

“The following amendments have been made in the Bengal Patni Taluks Regulation (Amendment) Bill, 1939, by the Bengal Legislative Assembly at its meeting held on the 26th July, 1940. The concurrence of the Bengal Legislative Council to the amendments made by the Assembly is requested:—

Amendments.

1. That in clause 1. line 2, for the figures ‘1939’ the figures ‘1940’ has been substituted.

2. That in clause 2, in the proposed proviso to section 5, line 4, for the figures ‘1939’ the figures ‘1940’ has been substituted.

3. That in clause 4, for sub-section (6) of the proposed section 6A the following has been substituted, namely:—

‘(6) If in the case of a sale according to sub-section (5) the highest offer for the share or portion offered for sale is not equal to the amount of arrears of rent for which it was advertised for sale and the subsequent arrears of rent due thereon up to the date of sale, the sale shall be stopped and a notice that

the entire *patni taluk* shall be put up for sale for such arrears shall be sent to all co-sharers of the tenant in such manner as may be prescribed by rules to be made by the Provincial Government.

On the twenty-first day from the service of notice on the co-sharers of the tenant, the entire *patni taluk* shall be put up for sale for the arrears, unless any other co-sharer of the tenant shall, within fifteen days, have purchased the share or portion in arrear by paying the whole of the arrears of rent for which it was advertised for sale and the subsequent arrears of rent due thereon or the tenant pays up the whole of such arrears within the said fifteen days:

Provided that, if a zamindar omits to avail himself of the means provided by this Regulation for realisation of any arrears of rent due in respect of a share or a portion of a *patni taluk*, he shall not be entitled to put up for sale under this Regulation the entire *patni taluk* for recovery of such arrears.'

4. That in clause 9 (a), lines 2-3, for the words 'up to the date of sale' the words 'up to the date of deposit' has been substituted.

5. That in clause 11, in proposed section 17A, line 6, for the figures '1939' the figures '1940' has been substituted.

(Sd.) M. AZIZUL HAQUE,

CALCUTTA,

Speaker,

The 6th August, 1940.

Bengal Legislative Assembly."

SECRETARY to the COUNCIL: Sir, the second message is as follows:—

"The Bengal Revenue Charge Expenditure Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on 6th August has been duly signed by me and is annexed hereto. The concurrence of the Bengal Legislative Council is requested.

(Sd.) M. AZIZUL HAQUE,

CALCUTTA,

Speaker,

The 9th August, 1940.

Bengal Legislative Assembly."

Sir, I lay the two Bills, as received from the Assembly, on the Table.

Communication regarding India Government's Decision.

SECRETARY to the COUNCIL: Sir, I have received the following communication from the Additional Secretary to the Government of Bengal, Home (Constitution and Elections) Department:—

“FROM P. D. MARTYN, Esq., I.C.S.,

Additional Secretary to the Government of Bengal,

TO THE SECRETARY, BENGAL LEGISLATIVE COUNCIL.

Calcutta, the 3rd August, 1940.

SUBJECT: *Recruitment of Bengalis in the services under the Government of India.*

SIR,

In continuation of this Department letter No. 416 A.R., dated the 13th March, 1940, regarding recruitment of Bengalis in the services under the Government of India, I am directed to state that the Government of India who were addressed to the subject, have intimated that they are unable to take the action suggested by the Bengal Legislative Council in the address presented by them to His Excellency the Governor of Bengal on the subject noted above. They have stated that recruitment on an all-India basis to the civil services and departments of the Government of India is generally made through the Federal Public Service Commission by competitive examination or by selection. The examinations and selections are open to candidates from all provinces who possess the prescribed qualifications, the only exception is the Indian Audit and Account and allied services examination where the number of candidate is limited. In this examination, however, the Federal Public Service Commission are by rule enjoined to see and do in fact see, that all provinces and communities are duly represented. As regards locally recruited services, recruitment areas have been fixed for some subordinate services and ordinarily persons belonging to those areas are recruited for the services.

They have further stated that the question of provincial representation as distinguished from the representation of the minorities has been considered by them on several occasions and the conclusion reached was

that it was not practicable to take special measures to secure representation for provinces either generally or in terms of particular communities.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) P. D. MARTYN,

Additional Secretary to the Government of Bengal."

Motions for Presentation of Addresses to Governor.

MR. PRESIDENT: The House will now consider motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Before I ask Mr. Lalit Chandra Das to move his motion, under section 92 (1) of the Council Rules I fix the maximum limit for the discussion of his motion to be one hour, and under sub-section (3) of the same rule the time for the mover and the Hon'ble Minister in charge of the Department 15 minutes in the first instance, and for other members six minutes.

MR. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to urge on His Excellency the Viceroy and the British Government to start without any further delay military colleges in University centres to train Indian students as officers in the Army, Navy and Air Services and to raise out of them armoured and motorized divisions for defence of India against external aggression and internal disorder.

Sir, there was a story current in the beginning of the last Great War that a certain Judge of the Calcutta High Court enquired of Dr. Rash Behary Ghose as to what he and his people would do were the Germans to invade Calcutta to-day.

"My Lord," said Dr. Ghose, "we will rush to the Prinseps Ghat and present the invading General with an address of welcome, for that is exactly what you have taught us to do". The story points to a moral but the Britishers have not profited by it.

Sir, non-violence is of sterner stuff. It would non-co-operate with an invading army and challenge it to do its worst. Such non-violence is for the strong, not for the weak. We have to take note of my friends Khan Bahadur Naziruddin Ahmad who is so frail and weak and others of their bent of mind. Could it be said of India that her people have reached such a high state of culture and discipline that India could meet violence with non-violence? Sir, the honourable Mr. K. M. Munshi and the honourable Mr. Rajagopalachariar, two great followers of Mahatma Gandhi, did not hesitate to employ the armed forces of the State to maintain Law and Order within. So did Mr. Gobinda Vallab Pant and other Congress Ministers.

Sir, while non-violence will remain always the guiding principle of the lives of all Congressmen in their daily dealings and in their legitimate agitation for attainment of freedom for India, they will not fail to take note of the world condition and try to preserve the integrity of their State against internal and external foes by taking all steps and making all arrangements for defence such as is permitted by human ingenuity. Sir, empires are crumbling to pieces. Poland, Norway, Holland, Belgium and France have all fallen a prey to aggression as before them fell Abyssinia and Manchukuo. We can no longer rely on the protecting arm of one single power, however big it is.

Sir, we must, therefore, demand the establishment of Military colleges in the University centres to train students to serve as officers in the land, sea and air forces.

Science has revolutionized the method of warfare and brought distant countries quite near. It is confined no longer only to trench-fight. Germans studied the modern method and developed it to perfection with their characteristic thoroughness during a period when all her neighbours were busy in the pleasant task of piling money upon money and were rolling in the mire of luxury. The result has been that though the Poles and the Norwegians, the Dutch and the Belgians and above all the French were fully the compeers of the Germans in point of bravery, they had to go down before the German *Blitzkrieg* which is lightning war carried on by armoured and motorized divisions supported by air force. I do not say that the Germans had no massed formation of infantry. They came afterwards and had to play the concluding part of rushing to the occupation of territories.

I have no doubt, the Britishers as a result of their experience in the different theatres of war have profited by the example and are now thoroughly prepared to meet the Germans on their own grounds. But the Britishers will be thoroughly pre-occupied on their own account. What about India?

Sir, the British Universities, in fact all Universities in the belligerent countries except India, are empty. All students are being

drilled and trained to serve as officers in the Army, Navy and Air Forces. In point of bravery and skill, the Britishers are now believed to have attained the same degree of efficiency as their enemies. In defending the British Isles and their far-flung Empire, all the best qualities of the British students are being brought into full play.

The war is spreading and coming nearer home. Should our students sit with folded hands and watch the onrushing tide? Sir, it behoves the British Government and the Government of India to give up their traditional policy of distrust of Indians and replace it by a policy of trust and fairness to India and Indians and so to teach them the art of defence under modern conditions. This is a debt they owe to India and it is time they discharge this debt. The best way in which they can do so will be to act up to the resolution which is now under the consideration of this House.

Sir, soldiers serving in the infantry without large divisions of armoured and motorized troops to support and precede them, aided by the air arm of the whole force, will only make them cannon-fodder. There must be an inexhaustible supply of officers to lead the armies. India can supply thousands of students having the requisite qualifications to easily grasp the technique of military science. The days of illiterate soldiers and individual acts of chivalry are gone never to return. If in spite of all these, the British Government and the Government of India fail to take appropriate steps to give them proper military education to make them fit to serve as officers, history will record that in one of the most critical periods of human civilisation, Great Britain failed to do its duty by India.

Sir, no country in the world could have dared to challenge England if England had followed a policy of trust in regard to Indians and given them liberty which she herself prizes so much. A free India would have established Military Colleges and made her sons fit to hold India against all invaders and lent England such aid now which would have outbid the help of all the colonies put together. Even now, India has not been declared free, although there is something like an approach of a promise to freedom.

Sir, the establishment of Military Colleges in the Universities centres for training Indian students to serve as officers in the air, land and sea is the acid test of the British sincerity of purpose to concede self-government to India. The speed with which such colleges are established will be the measure by which England will be judged as to how soon it intends to free India, for self-government presupposes the ability of India to defend herself and her own hearths and homes against foreign invasion and internal disorder.

Sir, it may be argued that there is one Military College at Dehra Dun but it is far away from centres where students congregate. This

is not enough. What is wanted is a ring of military colleges in, all the university centres throughout India to make military education available to all students and to provide for an inexhaustible source of supply of strong and efficient officers.

Sir, a common training of Indian students, irrespective of their caste, creed or sect, will establish a bond of fellowship among them and with their British fellow-officers. Here, both the Hindus and the Muslims will shed their communalism and begin to realise in all earnestness that they are but the sons of a common motherland. Their military education will so broaden their outlook that I have no doubt that they will create a new history for India which will revive all its old glory and enable her to play her role in the re-shaping of the world and its true human culture.

Sir, in exercise of powers vested in them by Rule 1 and Rules 58 and 59 of the Defence of India Rules, the Central Government have issued orders declaring all voluntary organisations for the defence of internal tranquillity illegal. It is opined that except the civic guards, people of voluntary organisations do not stand for Law and Order but will take advantage of any disorder which may arise in India. The civic guards, in our view, acting under the ægis of the police force, will not answer the purpose of the resolution which stands on a quite different footing. Civic guards, to my mind, will be quite unable to maintain peace and tranquillity even with the help of the police if disorders break out in India which is itself a miniature continent. This task must be left to armoured and motorized divisions of troops with the air force acting in conjunction. And those troops should be composed mostly of students of the different universities in India trained and drilled into efficient officers for the army, navy and air. Thus can a widespread rising be quelled in India in the shortest possible time.

Sir, the imperialists have a way of understanding the expression "Defence of India" to mean also fighting in the different theatres of war in their far-flung Empire and even outside it. But that is not how we understand the word. We have no empires to extend by occupying "no man's" lands. Defending India would, therefore, mean defending India when she is attacked. But this does not exclude helping an ally—for instance, England.

Sir, as defence is an All-India question, the cost of the military colleges should fall upon the Imperial Exchequer and will not be a provincial charge.

I know it will be said that the Government of India announced its intention to recruit a lakh of people to serve as soldiers and anybody willing to get military training may join it. Regard being had to the urgency of the situation, this estimate is an under-estimate. This unit, however, is raised for Imperial purposes, for employment

wherever necessary to meet the exigencies of the time. But what I am putting forth through my motion is that the education of the Indian students should be made complete by a thorough military training so that they may go as officers to serve permanently with equipments and to withstand the attacks of the most powerful army in the world.

Under the circumstances, I would urge that all well-wishers of the country should support it as a pre-requisite condition for the preservation of liberty which we all desire and must have.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved that—

“An address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to urge on His Excellency the Viceroy and the British Government to start without any further delay Military Colleges in University centres to train Indian students as officers in the army, navy and air services and to raise out of them armoured and motorized divisions for defence of India against external aggression and internal disorder.”

Notice of an amendment by Mr. Nur Ahmed was received in the office, only this morning. If there is no objection, I will allow the amendment to be moved.

Mr. LALIT CHANDRA DAS: Sir, I object to this because he has dropped some important words from my motion.

Mr. RANAJIT PAL CHAUDHURI: Sir, I believe there is a technical difficulty in allowing this amendment, because under Rule 92(1) we need five days' clear notice for such amendments.

Mr. PRESIDENT: I wanted to know if there was any objection. As there is objection, I disallow the amendment. The amendment should have been sent at least three or four days before.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I rise to offer my whole-hearted support to the motion of my friend Mr. Lalit Chandra Das.

It is high time that the Government is moved out of its age-long inertia in respect of training our young men in higher military arts. No time has been more opportune than now for the Government to depart from its old cast-iron policy of neglecting the question of our military training.

I would not, Sir, enter into the history of our national demand both for proper training and for admission of our nationals to superior posts

in the Army. It is only pertinent to observe that from its very first session in 1885 the Indian National Congress kept the Government well posted with regard to this demand. For long, however, it was rejected almost unceremoniously by unimaginative and short-sighted Governments. The shock of the last war moved our rulers to some extent out of this policy of exclusion. But even then the policy of distrust was not abandoned frankly and boldly. That the British Government in India was unwilling to provide proper opportunities for superior military training to our young men is illustrated best by sad and unimpressive history of Indian Sandhurst.

I believe, Sir, the emergency of to-day should awaken the Government out of the regrettable policy of indifference to, and neglect of, our national demand. I know, Sir, that Military Colleges which we are asking to be established cannot be brought to an working order in a day. But in an emergency things can be done in days what in normal times it takes months and years to do. Any how, without loss of time the authorities should put their shoulders to the wheel. With these few words, Sir, I support the motion of Mr. Das for the presentation of an address to His Excellency.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I find that contrary to his old traits of bluff and bluster Mr. Das has indulged in a little irrelevant wit by characterizing me as a "frail body with a weak mind." He has certainly a bigger body than mine and if lung power is any indication of mental vigour and power of wit, and if it is any measure of the independence we are going to secure thereby, he has certainly given us enough. His thunders are only stage thunders and his loud talks never mean business. I feel, Sir, that the total amount of sound waves Mr. Das has generated in this House if harnessed by a scientist, would be enough to blow up the entire German army! I believe that instead of wasting his energies in big talks of wordy pyrotechnics, it would have been better for him to sit down quietly to solve India's future problems. (Mr. SHRISH CHANDRA CHAKRAVERTI: What is your solution?) My goal is independence. But independence cannot be obtained to-day. It cannot be obtained even to-morrow. Independence is therefore not our immediate goal, but our ultimate goal. Our immediate objective is Dominion Status after the War. (Interruption from the Congress Benches.) Perhaps my friends are not satisfied and my declarations will never satisfy them. But I have the satisfaction that these views have been given out by a great authority who commands greater respect than my humble self or even the great Mr. Das. (Mr. SHRISH CHANDRA CHAKRAVERTI: Who is your great authority?) I was merely paraphrasing the opinion of no less a person than Sir N. N. Sircar who is certainly a greater person than both of us. Sir Nripendranath thinks that threats of Satyagraha, talk of independence, of immediate Dominion Status and immediate

severance of connection between India and England, will lead us nowhere. These will lead us to confusion of thought and action. In these circumstances, it is far better for us to sit down and try to think out ways of securing independence. In fact, independence cannot be obtained by talking. My friend seems to think that if we shout "Independence, Independence, Independence", it could be secured by magic. As a practical step, it is far more useful to sit down and make up our mind as to what we should do with the recent declaration of His Excellency the Viceroy. You must tackle that problem. It is no use getting away from it. You must face the situation and take a concrete view as has been recommended by Sir N. N. Sircar. (Mr. SRISH CHANDRA CHAKRAVERTI: Now you are a votary of Sir N. N. Sircar.) When you talk sense, we are with you. When you are after a face-saving formula and talk and talk and talk and deal in unpractical schemes, we are not with you.

Now, are you prepared to combine and unite with the various sections and parties in India and add your legitimate weight, your enormous power over the electorates and the masses to theirs for the common good of the people? Are you prepared to throw your weight and strengthen the Executive Council of the Viceroy? Are you prepared to do that? This is, I believe, the true beginning, and if you make a good beginning, then you will really lay down the foundation of a future independent India.

Mr. LALIT CHANDRA DAS: Mr. President, is he talking on the resolution? Is he relevant?

Mr. PRESIDENT: Order, order. The honourable member will come to the resolution itself.

Khan Bahadur NAZIRUDDIN AHMAD: If you are still sitting on the fence and do not choose to solve this problem, then these pious resolutions are an attempt to secure "a face-saving formula," to quote Sir N. N. Sircar, "which will help in undoing the mistake of the resignation of Ministers." Now, Sir, my friend thinks that the establishment of an indiscriminate number of colleges—a ring of colleges all through the land—will solve the country's problem. But what about the candidates? I know to my utter disgrace and shame that five candidates for military training were recently selected in Calcutta. They were asked to go to Simla for interview, and I know that one of them only went and four others did not present themselves. They had been offered first class passage and allowances, but they did not avail themselves of that. I have this on the authority of the solitary candidate referred to by me.

Sir, I submit that instead of talking like this, you should begin in a co-operative way and join the other parties in laying the foundation

for the future. If you do not do that, it is useless to talk of military colleges everywhere. You have not calculated the cost. You must be assured of a steady flow of students. You must be satisfied that the sites are suitable from a climatic or other considerations. If you do not consider these matters, it will be meaningless to go up to the Government of India with a pious but impractical resolution. I know, Sir, that a man who has no money has enormous and beautiful plans but a man who has money is more realistic and more responsible and can indulge only in modest plans. My friend, Mr. Das, has no money and is not responsible for the same and therefore he dreams wonderful things. The Council is not a debating society and we must not record mere pious wishes. I believe, instead of declaring an opinion that we should have a large number of military colleges scattered throughout the country and passing an absurdly and meaninglessly specific scheme of military colleges, it would be far better to declare an opinion that we are for more military training and more constructive work.

(At this stage the honourable member reached his time-limit and resumed seat.)

Mr. NUR AHMED: Mr. President, Sir, I have very carefully gone through the motion of Mr. Das, and in my humble view the wording of his motion is too vague, and it will not be possible to give effect to that motion if carried. Of course, there are no two opinions in the country that the regular army should be Indianised without any further delay. This question has been raised from every platform and every press, and Indians have been agitating for the Indianisation of the army since 1911 when the great son of India, Mr. Gokhale raised the question in the Imperial Council at the time of discussion of the military budget. That question has been looming large in the Indian horizon since the great World War, and Indian educated classes have come out with concrete suggestions for the Indianisation of the army and for facilities for recruitment of Indians for the King's Commission. But the idea with which Mr. Das comes before the House is absurd and impracticable. He wants as many colleges as there are universities. You should remember that there are 19 universities in India at present. So, the resolution wants 19 military colleges. How far that will be practicable and how costly it will be, that has also to be seen.

As things stand at present, since the time Indians were shut out from the army they have lost all affection for it. It is not possible for a nation, for a community, to be made military-minded in a day or two. It will require time. Of course, I am conscious of the fact that there is a great danger looming large before India, and there is every possibility of the great War that is raging in Europe spreading to India. India now finds herself very helpless in the face of the great

marauding foe, and it will be great shame if India cannot defend herself in such a crisis and has to depend on others for her defence. So, although I have every sympathy with Mr. Das, I cannot support his motion in its present form. Committee after committee had been formed to consider this matter, and the Skeen Committee reported that at least 50 per cent. of the King's Commission should be Indianised before 1952, and military colleges should be opened before 1932. Unfortunately their suggestions were not accepted.

With these few words, I am sorry to say, Sir, that I cannot support the motion of Mr. Das in its present form.

Mr. A. F. STARK: Mr. President, Sir, if I rise, it is only to add a few words to the words of wisdom which we have heard from Khan Bahadur Naziruddin Ahmad. Indeed, the weak mind and frail body has given us things to think about. I only wanted to say that independence is something that has to be obtained by co-operation between the communities. If you will take the offer of His Excellency the Viceroy and if the communities will work together, the independence you are looking for will be found. I think it was Mr. M. N. Roy who described the resignation of the Congress Ministry as a colossal blunder, and many of us wonder if they are not beginning to agree with him. Sir N. N. Sircar has also reiterated Mr. M. N. Roy's words.

As regards the resolution before the House, we all have sympathy with the idea behind it. But we know that it is a question of funds about which the Congress representatives in the Central Assembly unfortunately have not been very sympathetic. India's man-power, India's army, navy and air force are being expanded as quickly as can be, with the financial resources which are available. Honourable members will remember that not very long ago a resolution was discussed in this House, I think moved by Mr. Ranajit Pal Chaudhuri, which recommended physical and military training in all universities and colleges. The Hon'ble Home Minister in reply referred to the Calcutta University Training Corps and pointed out that it had not been an altogether successful experiment. We have got to think of that too. I think the opinion of this House was then that we must start with physical training and try to get proper physical training introduced in colleges.

I would just like to conclude by saying that it is all a question of funds. We are spending a great deal of money which has not been provided for in the Central Budget at the moment and which will have to be found, and I do believe that the Government of India are now using every endeavour to expand the war effort.

Mr. RANAJIT PAL CHAUDHURI: Sir, I had no intention of speaking on this resolution but I am thankful to Mr. Stark for having

refreshed my memory, because I now remember that a few months ago I brought a similar resolution. It was not meant to be an address to the Governor but it was a resolution in this House which I had moved. Unfortunately, it was defeated, and it was defeated not for lack of support of this side of the House, but for lack of support from the other side of the House. I do not know how far the statement of Khan Bahadur Naziruddin Ahmad is true to his knowledge. It might have been his information that out of six candidates only one had gone. I know of cases, in fact, I have got my relations who have already joined, and have gone up for the interview. Very many of them have been selected and they are now on their way to Mhow and Dehra Dun for training.

I am glad to find that Government has made a move in this matter, but I think Mr. Das's intention is to make a much greater effort in training up our boys. I am sure it is high time that Government should consider this motion seriously and take it up, because it is time that we should be up and doing. With these few words, Sir, I heartily support the motion of my friend, Mr. Lalit Chandra Das.

Rai Sahib JATINDRA MOHAN SEN: Sir, I rise to support the motion of my honourable friend Mr. Das. Mr. Stark has said that he has every sympathy with the object of this motion. Now, the question is whether this House should address His Excellency the Governor of Bengal for initiating a proposal which is set out in this resolution. So far as the resolution is concerned, I fail to understand that there is any question involved in regard to the degree of independence that the British Government should confer on us, what form of Government India should have after the War or what sort of pronouncement the British Government should make at the present moment. The question is whether we the Bengalis, or whether the Indians, should have a sort of military training and whether our boys should have this training when they are in the universities. This is to my mind a simple question which is involved in this motion. I am afraid there is a sort of confusion of ideas in the minds of our friends on the opposite; and whenever any proposal comes forward from my friends to my right or from this side of the House, we find that they are in a mood to oppose them. It may be a pious wish; but pious wish is the first thing which moves us into action, and if we can accept this resolution without any opposition, I should think we could go a great way in paving the way towards the goal which every one of us has in mind.

I am sorry, Sir, to find a sort of defeatist mentality in the speeches of the previous speakers who spoke from the Coalition Party. They find impracticability in this motion. They say that it is very unpractical and an impossible proposition, and so on. I feel, and we

know as a matter of fact, that independent people like Japanese, Germans and Russians, have adopted this principle of imparting military education while their boys are in colleges. They set apart a certain portion of the year, two or three months, for military training. These boys are required to be in camps for two or three months in the year. This does not interfere in any way with their academic studies. With regard to the question of finance, it would not be an impossible or difficult thing, because money could be found when the purpose is good, and I believe money would always be forthcoming.

With these words, I wholeheartedly support the motion of my friend Mr. Das.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, at the outset, I must say that I welcome the change of outlook of my friend Mr. Lalit Chandra Das, and I hope that he gives expression to the views not merely of himself but of all of those who are of his way of thinking and that he and his collaborators have at last given up non-co-operation and are anxious to co-operate with Government in their War efforts—

Mr. NARESH NATH MOOKERJEE: We want military training.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Military training with a view to help War efforts. As my friend Mr. Stark has said, the best way of achieving the object is to accept the offer that has been made by His Excellency the Viceroy. I hope my countrymen will accept with alacrity and gratitude the hand of fellowship that has been offered by His Excellency.

As regards the resolution itself, establishment of military colleges is not the responsibility of the Provincial Government. But we do undertake to forward the debate of this House and the decision of this House to the Government of India (Mr. SRISH CHANDRA CHAKRAVERTI: Without any comments?). But as regards details, I venture to submit that probably it is not a practical proposition to have military colleges at every university centre. It means a mint of money: military college means a large expenditure. The Government of India are no doubt anxious to impart military training to a larger number of students, but I do not know whether it would be possible financially and administratively to have one military college at every university centre. Personally, I feel that it is an impracticable proposition. But I welcome the sentiment which the mover of the resolution has expressed and the spirit that underlies the resolution. As an Indian, I feel inclined to share the honourable mover's desire. The matter must, however, be left to the Government of India whose

responsibility it is and that Government should decide whether it is possible to give effect to the resolution or not. With these few words, I express my views on the motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to correct an inaccuracy of my friend Rai Sahib Jatindra Mohan Sen. He has said that whatever comes from the opposite side are opposed for opposition's sake. That is not at all correct. I wish to remind him that only on the last non-official day when a resolution regarding military training of Bengalis was tabled by Rai Bahadur Keshab Chandra Banerjee, we all supported that resolution wholeheartedly. So, it is not correct to say that this side opposes everything that comes from the opposite side. On the other hand, we have said with regard to the motion of Mr. Das that we have entire sympathy with the motion, but the form in which it has been put is not acceptable to us. That is the attitude of this side of the House.

Mr. HUMAYUN KABIR: Mr. President, Sir, I should like at the outset to congratulate Sir Bijoy for his spiritual acceptance of this resolution; he has accepted the spirit, though not the body, of the resolution; but very often the spirit is another name for the pale ghost of the body which we do not want to accept. I would remind Sir Bijoy that he is himself, if I am not wrong, a lieutenant and that he was trained in the Calcutta University Training Corps; I would also remind him that he has worked his way up to a lieutenantship probably from the rank of a common soldier. He must have started—and if I am wrong he will correct me—as an ordinary soldier in the Calcutta University Training Corps. Sir, the main object of this resolution, as I understand it, is to prevent this sort of wastage of the materials available in our universities. I do not know whether Sir Bijoy knows that in all the British universities there is an Officers' Training Corps attached to every university; and that the young men who come to the universities are trained as officers of the army. It is not in every case that there is a regular military college attached to a university. For professional soldiers there are colleges which are different from university colleges, but every university in England has attached to it an Officers' Training Corps.

Sir, I understand that Government is prepared to accept the spirit of the resolution. I take it that the spirit of the resolution aims at this kind of utilisation of our young men by giving them training for officership and not merely training for the ordinary rank and file. As pointed out in the resolution itself, Indian students should be trained as officers in the army, navy and air services and that armoured and motorized divisions may be raised out of them for the defence of India. Thus, it is suggested that the main object of the resolution

is to give facilities to our university men to acquire an officer's training and not training for the membership of the rank and file.

Then, Sir, with regard to the objections raised relating to financial difficulties, it has been suggested that the expenditure for this purpose will be prohibitive. I do not think, Sir, that the expenditure would be prohibitive because even now we have the University Training Corps where most of the money spent is simply wasted, no really useful purpose being served by the sort of training imparted there. The university men could be better utilised if officer's training were given to them. It is, therefore, only a question of change in the form of training which, I think, would not mean any heavy additional financial liability. I think some members of this House might know that recently in the discussions which took place in the committee which looks after the University Training Corps certain measures were suggested—measures which instead of giving training for the rank and file would provide for training for officerships—and those measures are being considered at the moment. I do not see how then the question of financial difficulty can be raised. With regard to financial difficulty it may also be said that if India could spend sixty crores of rupees every year, as at one time it actually did, on the army, there is no reason why out of these funds provision should not be made for training our nationals. The exorbitant cost of the Indian army is only due to the exorbitant rates of pay of British officers and the British rank and file. There is no reason why this white elephant should be maintained. To-day the cry is for Indianisation, and in spite of the fact that the Skeen Committee had pressed for some Indianisation, one of the grounds put forward against that scheme was that sufficient Indians were not available. That this was a lie has been proved by recent events. In the course of a few months we are having men trained for the army, the air force and the navy as well. If in the course of the last few months men could be trained under the pressure of events, if men could be trained as quickly as at present, why is it that the recommendations of the Skeen Committee could not be given effect to at an earlier rate? Recent events have shown that the pretexts then put forward by the army authorities were absolutely unfounded. Therefore, the question of financial objections are neither here nor there; and besides, where there is a will there is a way. If funds are found for expenditure which does not directly concern us, why should funds be lacking for our own needs? If such money were utilised for the Indian Defence Corps, for giving officer's training to our young men, I am sure people would not be wanting in their willingness to come forward to enlist themselves in the army—

(At this stage the member reached his time-limit, but was allowed by Mr. President to conclude his speech.)

Before I conclude, I should like to touch upon a matter referred to by my honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain. He has referred to the motion which was passed by this House unanimously some time ago—a motion for military training and the raising of a regiment of Bengalis. Sir, I do not know how the members who have supported that resolution can oppose this resolution because this resolution is only a corollary to that, and, therefore, Sir, if the first resolution was carried unanimously, there is all the more reason why this resolution should be carried unanimously.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I have listened to the speeches of my friends both on this side of the House as well as on the other side, but it is my misfortune that I could not follow the speech of my friend, Khan Bahadur Naziruddin Ahmad. He was talking, I understand, of the Viceroy's speech whereas, as a matter of fact, my speech dealt with the establishment of military colleges in India. He did not touch at all on that point. So far as the speech of my friend, Mr. Nur Ahmed, is concerned, I can say, Sir, that my friend has moved an amendment to my motion which went to show that he was really in support of my motion. He also spoke about the necessity of military training, but has only changed the words of my resolution—

Mr. PRESIDENT: Order, order. That amendment is not before the House.

Mr. LALIT CHANDRA DAS: Then, Sir, I need not refer to those who spoke in support of my motion. There was a speech by Mr. Stark who spoke about co-operation. That is a good word, but co-operation must be between equals. Now, for the purpose of encouraging co-operation so that it may be effective, Indian students must be brought up as officers and must be able to do the work done by the British officers. Indian students are ready and willing and if hands of fellowship are to be extended to the British officers, this must be on terms of equality.

Then, Sir, as regards the speech of the Hon'ble Sir Bijoy Prasad, that was altogether a speech in support of my resolution, and so far as that speech goes, I have nothing further to add. So far as the speeches of Mr. Kabir and Mr. Sen are concerned, they were really the replies which I intended to give to controvert the arguments advanced against my motion.

With these words, Sir, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: The question before the House is the motion of Mr. Lalit Chandra Das: that an address be presented to his Excellency the Governor of Bengal, through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency the Viceroy and the British Government to start without any further delay military colleges in university centres to train Indian students as officers in the army, navy and air services and to raise out of them armoured and motorized divisions for defence of India against external aggression and internal disorder.

A division was then demanded and taken with the following result:—

AYES—15.

Bose, Rai Bahadur Manmatha Nath.
Chakravarty, Mr. Brish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.

Mookerjee, Mr. Naresb Nath.
Pal Choudhury, Mr. Ranajit.
Ray, Rai Sahib Jogendra Nath.
Roy, Mr. Amulyadhona.
Roy Chowdhury, Mr. Birendra Kishore.
Sen, Rai Sahib Jatindra Mohan.
Sinha, Raja Bahadur Bhupendra Narayan, of
Nashipur.

NOES—23.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Ahmed, Mr. Nur.
Barua, Mr. Dhirendra Lal.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Mr. Humayun Reza.
D'Rozario, Mrs. K.
Ferguson, Mr. R. W. N.
Hossain, Khan Bahadur Saiyed Muazzamuddin.
Hossain, Mr. Latafat.
Huq, Khan Bahadur Syed Muhammad Ghaziul.
Karim, Khan Bahadur M. Abdul.

Khan, Khan Bahadur Muhammad Asaf.
Laidlaw, Mr. W. B. G.
Lamb, Sir T.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur Mukhlisur.
Rashid, Khan Bahadur Kazi Abdur.
Roy, Rai Bahadur Radhica Bhusan.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Shamsuzzoha, Khan Bahadur M.
Stark, Mr. A. F.
Talukdar, Dr. Kasiruddin.

Mr. PRESIDENT: Order, order. The House has divided: for the motion—15; against the motion—23. The motion is, therefore, negatived.

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to move that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to urge on His Excellency the Viceroy to take necessary steps to enable all adult citizens of British India to keep arms for self-protection without any licence.

This is a resolution about which, I am sure, no Indian member of this House will have any difference of opinion—Mr. Suhrawardy interrupts, but even Mr. Suhrawardy will not have anything to say against a resolution of this type. I am sure, Sir, that even outside this House

all Indians will accept a resolution of this type, for it is a recognition of one of the barest rights of citizenship. In every country of the world, citizens have not only the right but in certain cases also the duty of bearing arms whenever necessary, and I cannot do better than refer to the Common Law of England, as in this country we are associated with the Government of England and in most cases we refer to the law which obtains in that country. According to the Common Law of England, every citizen has the right and the duty of bearing arms whenever necessary, and in the classical example on this matter, in the report of the Featherstone Riot Enquiry Committee (of which the members were Lord Haldane and Lord Bowen), it was definitely stated that a soldier for the purposes of quelling a riot or for maintaining order is only a citizen armed in a particular manner. I request every member of this House to pay particular attention to this phrase "that for the purposes of quelling a riot or for maintaining order a soldier is nothing but a citizen armed in a particular manner." Every soldier is a citizen and every citizen is a soldier, if the need arose. In England, therefore, it is the duty of a citizen to prevent a riot, if a riot is taking place before him, if necessary by the use of fire-arms for self-protection, for the protection of the property of others and for maintaining order. Every British citizen has the right of using fire-arms. It is only in our country, Sir, that the conditions are otherwise. In every other country of the world, citizens have every right to bear fire-arms, but in our country it is not permissible to bear fire-arms. You must go through a very complicated and unnecessary mode, and as a result of that, a very large number of citizens in our country are not entitled to bear arms at all. We are denied even the right of self-protection. The suspicion which is at the back of this attitude, the suspicion which is responsible for the present state of affairs, goes so far that it applies not only to the ordinary citizen but also with regard to those who are placed in responsible position. I think, Sir, that it was once mentioned in this House that every member of the Legislature should be given the right to keep arms without any special licence. That wish still remains a pious wish. This is not all, Sir. Even with regard to so responsible a person as the President of a Council, or the Speaker of an Assembly, the President of the Indian Legislative Assembly or the President of the Council of State in India, even exalted offices like these, I think, do not carry with them any right about keeping arms without special licence. In other words, Sir,—

Mr. PRESIDENT: I would like to correct the honourable member. The Members of the Central Legislature are exempt from the restrictions of the Arms Act. Not so the President or the Speaker of the Provincial Legislatures.

Mr. HUMAYUN KABIR: Well, Sir, I accept that correction, and say that if even the President or Speaker of the Local Legislature is not permitted to bear arms without a special licence, it is certainly an expression of an attitude which all of us in this House should condemn. In other countries, every citizen has the right to bear arms without a special licence. A person can go and purchase fire-arms and if there is any licence, it is of the merest formal type. Anyone who wants to keep fire-arms can do so, provided he has the money for it. But in our country the Special Arms Act was passed only in order to disarm, and only in order to make us forget the practice of keeping arms. Now, Sir, a peculiar situation has developed all over the world, and to-day the question of the incapacity of Indians to bear arms has become an acute problem. To-day, it is necessary not only in the interests of India but also in the interests of the British Government that India should be capable of bearing arms. And in that case it is desirable that the former attitude of suspicion, the former attitude of distrust should go, and every Indian should have the right to bear arms without licence of any type, for defence purposes. May I refer here, Sir to the English Common Law of which the Britishers rightly boast? Under that English Common Law every person has not only the right but also the duty of maintaining the Law and Order. He has the right to defend not only himself and his own property but also others and their property. Therefore, Sir, it is not only in the best interests of this country but also in the best interests of England herself that this invidious distinction between the British subjects of different lands must go. To-day, there is one thing which nobody can dispute: the old British Empire is dead never to revive. There is bound to be a tremendous change in the British Government. There may be a Commonwealth, but the old British Empire has died and is now dead, never to survive again: and the Empire's legacy of hatred, its legacy of suspicion, its legacy of distrust will never be there even though a new Commonwealth of Nations be there. And in that new Commonwealth there should be a sense of mutual trust, a sense of fellowship, a sense of co-operation between all the different nations. To-day in this House the word "co-operation" has been uttered many times. I must say, Sir, that this co-operation should be mutual, and if a new Commonwealth is to be created, then there must be that co-operation and good-will, that sense of trust and confidence as ought to exist amongst the different peoples who to-day constitute the members of the so-called British Commonwealth of Nations.

Mr. PRÉSIDENT: Motion moved: that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council,

requesting His Excellency to urge on His Excellency the Viceroy to take necessary steps to enable all adult citizens of British India to keep arms for self-protection without any licence.

Mr. RANAJIT PAL CHAUDHURI: Mr. President, Sir, I rise to support this motion. It might be criticized that a motion of this nature should not be supported by the Congress; but, Sir, I want to make the position of our party clear by saying that we do not want arms for offensive purposes: we want arms to protect ourselves, we want arms for the purpose of defence. As my friend, Mr. Kabir, has pointed out, even high personages in India are not allowed the privilege of defending themselves. I would only suggest that persons who have got a certain amount of respectability should be allowed to bear arms without licence——

Mr. HUMAYUN KABIR: Why not to everybody?

Mr. RANAJIT PAL CHAUDHURI: Perhaps it would be still better if the privilege could be extended to everybody; but I do not know how far Government would be prepared to go to accept a suggestion of this nature, because there is a certain amount of responsibility in keeping arms. I, therefore, qualified it. An ordinary person might not be able to keep it safely and also to guard it, and if he fails to do so, he would get himself into difficulties in case it is stolen. Still I should advocate that everybody should have some sort of arms to defend himself; inability to defend oneself is very keenly felt in the mufassil where villages are absolutely unguarded and thefts and dacoities are committed with impunity. This is all the more possible in villages because persons there have no arms to protect themselves from thieves and dacoits.

With these words, Sir, I support the motion of my friend, Mr. Humayun Kabir.

Maulvi ABUL QASEM: Mr. President, Sir. I rise to oppose this motion. It is much like the previous motion which the Coalition party found it necessary to throw out just now. This motion is as absurd, as unpractical and as impracticable as the previous motion. Sir, I am a new-comer here. I know that this House is supposed to be a House of Elders, free from emotion, rich in the experience of life, and in the knowledge of men and affairs; and that whatever it does and says has behind it the wisdom and sobriety of a House of Elders. I am sorry to find a different state of things. With due respect to my friends opposite, Mr. Lalit Chandra Das sponsored a motion which we have just thrown out and have justly done so, because it contained proposals which were absurd and impracticable——

Mr. PRESIDENT: Order, order. The honourable member should not refer to the previous motion, as it is not before the House now.

Maulvi ABUL QUASEM: Very well, Sir. But here a proposal has been adumbrated that every adult male and female citizen of India as a whole should be given the freedom of keeping arms; that is to say, every adult citizen of India should be allowed every opportunity of self-destruction. (Laughter from the Congress Benches.) Sir, I cannot understand what this laughter is for, but I can say this much that no amount of laughter will add any importance to their case.

Sir, what is the position of India to-day? Here, one community is opposed to another community; tribes are opposed to tribes and all too frequently there are occasions when *lathi*-charges are made by the police to quell communal and other riots. Here, if every man was equipped with fire-arms, there was likelihood of terrible communal fracas breaking out in every part of India. India certainly has not arrived at a stage when every adult citizen of hers can be provided with fire-arms without licence. Sir, this is a proposal which has been conceived in the comfortable chair of a Professor of Philosophy and of Literature; it is not a proposal of a man of experience who has knowledge of the state of affairs prevailing in India and in Bengal. You have seen how communal riots break out in the remotest villages of Bengal, and if the rioters there were armed with fire-arms instead of being armed with *lathis* and *daos*, what would be the result; what would be the dire consequences? I would ask every member of this House who has got some knowledge of the countryside to pause for a moment and answer this question. Sir, I think it is not in the interests of the citizens of India that every adult citizen should have the freedom to be provided with fire-arms without licence. I believe that even in England there are certain salutary rules against the indiscriminate and uncontrolled possession of fire-arms. In the interest of self-protection even, I think, this universal use of fire-arms should be tabooed, and I trust that like the other proposal this House will have no hesitation in throwing it out without giving it a moment's consideration.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I rise to support the spirit behind the resolution. This resolution wants to give expression to the opinion that all adult citizens should be given arms. Our objection is to the word "all". In fact, as has been said just now, the resolution has been framed in the comfortable arm-chair of a professor. The resolution makes no distinction between good men and bad men, between thieves, robbers and honest people, and my friend wants to give all sorts of arms to all sorts of men. My friend is probably thinking of the old Arms Act Rules. They are all changed.

Under the present rules, the only restriction against getting the licence of a gun is that if a man is a dangerous character he cannot get a licence. There is no bar to honest people getting a licence.

Mr. RANAJIT PAL CHAUDHURI: No; he must be an income-tax payer.

Khan Bahadur NAZIRUDDIN AHMAD: That is quite another matter. Here we are concerned with the rules and not with their actual application. In applying the rules some stringency is observed, no doubt. If it had been suggested that the rules should be more liberal, that would have been quite a different matter; but my friend's contention is that every one, no matter whether he is a good character or a bad character, must be given arms and without check and without licence. Mr. Pal Chaudhuri has attempted to draw a distinction between arms supplied for defensive purposes and arms for offensive purposes and has suggested that all should be given weapons for defensive purposes.

Mr. RANAJIT PAL CHAUDHURI: I did not say that all should have arms.

Khan Bahadur NAZIRUDDIN AHMAD: So much the better for me. That really supports my contention. Mr. Pal Chaudhuri, however, said that arms should be given for "defensive" purposes, as if the marking of weapons for defensive purposes would automatically prevent those arms from being used for offensive purposes. The resolution also provides that. But if arms are given for defensive purposes, they can and will be easily used for offensive purposes as well. The precaution of allowing arms for "defensive" purposes is attractive but illusory. I, however, support the spirit of the resolution which is that arms should be more freely allowed, but our difficulty is that we cannot support the resolution that arms should be given to one and all and without licence. I am of opinion that more dangerous weapons like rifles and automatic pistols and revolvers should not at this stage be given without discrimination.

(At this stage the member reached his time-limit but was allowed by Mr. President to conclude his speech.)

Sir, in conclusion, I say again that we support the spirit of the resolution but oppose its exact wordings.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government will adopt the same attitude towards this question as they have done towards the previous one moved by Mr. Lalit Chandra Das for,

this again is a matter for which they are not directly responsible. The Arms Act is dealt with by the Government of India and the Bengal Government is only acting as an agent of the Government of India in the matter. Therefore, we shall express no opinion on the merit or otherwise of the proposal and shall remain neutral but shall forward the debate to the Government of India, as suggested in the resolution.

Mr. HUMAYUN KABIR: Mr. President, Sir, I find that there really has been no opposition to this resolution. As for my honourable friend, Khan Bahadur Abul Quasem, I think he has not read the resolution, and since he did not oppose the resolution which I have moved but opposed the resolution which he imagined I had moved, I have nothing to say. He referred to the fact that this resolution was conceived by me as an arm-chair politician and has also given me the honour of dealing with Philosophy or Literature. I would only remind him that on some other occasions on the floor of this House resolutions have been suggested by me or measures have been moved by me which at first did not find favour with people like him but were accepted a little while after. Only two years ago, when Khan Bahadur Abul Quasem—

Maulvi ABUL QUASEM: Sir, I am not a Khan Bahadur.

Mr. HUMAYUN KABIR: If he is not one by now, I am sure he will become one very soon. I hope it would not be very long before he is made one and to anticipate events I have called him Khan Bahadur. But, Sir, this resolution does not say that every man shall be given arms. It only says that if anybody wants arms, there should be no bar to it. Everybody should be enabled to get arms if he wants it, and I think my friend Khan Bahadur Naziruddin Ahmad will have no further quarrel with me as soon as I make that point clear. It only says that if people want arms, there should be no bar to their keeping arms. In other words, it comes to the same thing that the conditions of licence should be far freer than what they are to-day. There is also something very inconsistent about the speech which my friend Khan Bahadur Abul Quasem delivered on the floor of this House.

Maulvi ABUL QUASEM: I strongly protest, Sir. The honourable member should not use that title.

Mr. PRESIDENT: Order, order. You should not use the title Khan Bahadur.

Mr. HUMAYUN KABIR: Well, Sir, Mr. Abul Quasem's argument was again entirely, if I might say, inconsistent and irrelevant,

for he suggested that people in our country should not be allowed the use of fire-arms, because they are quarrelsome, they fight with one another, and they are so martial in spirit that if they are given fire-arms, blood will flow through the river Padma in the villages of Bengal every day. Till now we have always been told that the people of Bengal are not martial, that they do not fight, that there is no fighting spirit in them. I do not know how to reconcile these two statements, and I leave it to the House to judge whether the people of Bengal are really so very martial that fire-arms in their hands will be more dangerous than they will be in the hands of the citizens of England, Germany, France and other countries.

There is one other point with regard to the speech of Khan Bahadur Naziruddin Ahmad which I feel disposed to deal with, and that is that there is no distinction between defence and offence. Quite true, and that is precisely the reason why I have moved this resolution. To-day those who want to keep fire-arms for offence manage to get fire-arms. He referred to robbers and to other persons of an offensive character. I say it is no use to forbid arms to persons of that type. Robbers do get arms. How they do, I do not know. But they do get arms, and it is only the innocent villagers who want to defend themselves against their attack that are denied the use of fire-arms. That is also the reason why fire-arms should be made more easily available to those who want it for self-protection, and therefore the conditions of licence should be far freer, and that is the main object of my resolution.

After these words, I hope, Sir, that there will be no further objection to the unanimous carrying of this resolution.

Mr. PRESIDENT: The question before the House is the motion of Mr. Humayun Kabir: that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to urge on His Excellency the Viceroy to take necessary steps to enable all adult citizens of British India to keep arms for self-protection without any licence.

A division was demanded and taken with the following result:—

AYES—12.

Chakraverti, Mr. Shrish Chandra.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Meekerjee, Mr. Naresch Nath.
Pal Chaudhuri, Mr. Ranajit.

Ray, Rai Sahib Jogendra Nath. ●
Roy, Mr. Amulyadhona.
Roy Chowdhury, Mr. Birendra Kishore.
Sen, Rai Sahib Jatindra Mohan. ●
Sinha, Raja Bahadur Bhupendra Narayan, of
Nashipur.

NOES—19.

Ahmad, Khan Bahadur Naziruddin.
 Ahmed, Mr. Mosbahuddin.
 Ahmed, Mr. Nur.
 Barua, Mr. Dhirendra Lal.
 Chowdhury, Mr. Khorshed Alam.
 Chowdhury, Mr. Humayun Reza.
 Ferguson, Mr. R. W. N.
 Hossain, Khan Bahadur Saiyed Muazzauddin.
 Hossain, Mr. Latafat.
 Huq, Khan Bahadur Syed Muhammad Ghaziul.

Karim, Khan Bahadur M. Abdul.
 Khan, Khan Bahadur Muhammad Asaf.
 Laidlaw, Mr. W. B. G.
 Quasem, Maulvi Abul.
 Rashid, Khan Bahadur Kazi Abdur.
 Roy, Rai Bahadur Radhica Bhushan.
 Shamsuzzoha, Khan Bahadur M.
 Stark, Mr. A. F.
 Talukdar, Dr. Kasiruddin.

Mr. PRESIDENT: Order, order. The House has divided: for the motion—12; against the motion—19. The motion is, therefore, negatived.

NON-OFFICIAL RESOLUTIONS

Mr. PRESIDENT: The House will now resume further discussion on the partly discussed resolution which was moved by Mr. Nur Ahmed on the 26th July, 1940, that—

“This Council is of opinion that the Government of Bengal should make a representation to the Government of India either to grant to Bengal the entire jute duty-proceeds realised from the province of Bengal or to make an equal annual contribution from the revenues of the Central Government to the Government of Bengal with a view to enabling the Government of Bengal to introduce universal free and compulsory primary education in Bengal.”

Mr. Ross was in possession of the House on that day. I do not find him to-day.

Mr. RANAJIT PAL CHAUDHURI: Sir, I have been informed that he is unwell.

Mr. PRESIDENT: The Hon'ble Mr. Fazlul Huq.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will be very brief, because I have only to explain to the House the Government point of view. The question of primary education in Bengal as everywhere else is one primarily of funds, and calculations have shown that even with the strictest economy we cannot have primary education free in Bengal with the proceeds of the taxes, unless a subvention of about Rs. 2 crores were made from provincial revenues. Now, Sir, we have really gone to the utmost limit in imposing taxes on the people, and even if some more taxes are imposed, it is impossible to raise this

amount of Rs. 2 crores in order to supplement the efforts of the District Schools Boards in introducing free primary education throughout Bengal. In these circumstances, some kind of outside help is necessary, and nothing would give us greater pleasure than to get this money, if possible, from the Central Government. Bengal certainly has got great claim on the export duty from jute. At one time the Government of India used to appropriate the whole of it; but recently owing to the efforts of Sir John Anderson and for other causes, the Government of India have given us a little over 1½ crores and kept the rest to themselves.

Mr. RANAJIT PAL CHAUDHURI: What is the amount of the rest?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a little over 4½ crores, and we get 1 crore 67 lakhs. Therefore, what happens is that with this money we can just balance our Budget, and there is hardly anything left for us to set apart for primary education. So far as this resolution is concerned, if the House carries this resolution, we will forward the proceedings and do all we can in order to give effect to the idea underlying this resolution.

Mr. NUR AHMED: Mr. President, Sir, I am very thankful to the members of this House for giving whole-hearted support to this resolution. The only dissentient voice was raised from my European friends. Unfortunately, none of them are now in their seats. Mr. Ross, on behalf of the European Group, said that they had every sympathy with the noble object underlying this resolution, but they did not desire that the whole of the proceeds of export duty on jute should be ear-marked for primary education. They would be glad if the Government of India remitted the remainder of the duty to Bengal to enhance the resources of the Government of Bengal. They also said that it would require a tremendous amount to introduce a satisfactory scheme of primary education in Bengal. Whenever the question of primary education is raised, the question of funds comes in the way. There are no two opinions about the necessity, importance and utility of free and compulsory universal primary education. We feel every moment of our life that the nation's onward progress is retarded for want of it. We really hang our heads in shame while we find that after about 170 years of a civilised rule, only 7 per cent. of the Bengalees are literate. So, this is a burning question. I have already said in my main speech that the idea which is embodied in the resolution is not mine. It is practically embodied in one of the proposals of the recent Primary Education Committee which has recently submitted its report. It is proposal No. 6 of the financial

proposals, and it is to the effect that the Government of Bengal should immediately approach the Government of India for a subvention of Rs. 2½ crores for giving effect to the Primary Education Scheme as adumbrated by the Committee. The reason why we have adopted this course is quite obvious. The present system of allocation of revenues between the Centre and the provinces, as embodied in the Government of India Act, gives little scope to the Provincial Governments to raise so large a sum as Rs. 2½ crores. The Provincial Government here can at the utmost raise a few lakhs of rupees, but it cannot be expected to raise so large a sum as Rs. 2½ crores which is required for our present purpose. All the expansible sources of income are now in the hands of the Central Government, and that Government have therefore many resources by tapping which they can raise an additional few crores of rupees and distribute it to the provinces to meet such urgent need of theirs as the introduction and spread of primary education.

As regards the export duty on jute, it is well known to every member of this House that Bengal agitated for years together for having a share in it, to which at the beginning no heed was paid. But after persistent agitation for a number of years, half the proceeds of the jute duty was given to this province and as a result of the Niemeyer Award, Bengal has got about Rs. 1½ crores. Sir, my present proposal is that the Central Government should remit the whole of the remainder of the jute export duty to Bengal to enable her to introduce primary education.

I have already taken much time of the House and must now conclude by hoping that the House as a whole will support my resolution.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that the Government of Bengal should make a representation to the Government of India either to grant to Bengal the entire jute duty-proceeds realised from the province of Bengal or to make an equal annual contribution from the revenues of the Central Government to the Government of Bengal with a view to enabling the Government of Bengal to introduce universal free and compulsory primary education in Bengal.

(The motion was agreed to.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move that this Council is of opinion that during the period of War, no official Bill evoking any communal or economic controversy should be introduced in either House of the Legislature.

Sir, I am certain that the object with which I am moving this resolution is clear to everybody in this House. It has been expressed both by the Government as well as by various groups of people in the

province that all efforts should be concentrated in conducting and winning the War against foreign aggression in which the country has been engaged for the last one year.

Sir, it is true that the Government have not yet enunciated its policy regarding our national demand to the satisfaction of the Indian National Congress and it is also true that in view of this fact the Congress has not actively co-operated with the Government in the prosecution of the War. But, Sir, none will deny that without absolute communal harmony and complete concentration of efforts, the War cannot be fought to a successful conclusion. If such concentration of efforts is actually to be brought about, is it not necessary, Sir, that the Government should avoid as far as possible those controversial questions, any discussion of which at the present moment may only divert the people's mind from War work and which may compel people to think on communal and sectional lines, instead of in terms of the struggle in which the Government is engaged? It is inevitable that when a Bill like the Calcutta Municipal Amendment Bill, or the Bengal Secondary Education Bill is introduced in the Legislature, we shall think in terms of communal interest and lose sight of the demands of the struggle. It seems to me, Sir, very strange that while the Government talks of the War and of the efforts that should be made in conducting it, it seems to forget the inevitable fact that its legislative efforts are proving to be a great obstacle in the way of creating the proper atmosphere in the province.

It seems also, Sir, that the Government does not properly appreciate the changes in our outlook and temper which may be brought about by the War if it lasts for some time to come. It may be expected by all discerning people that any legislation which may be passed by the Legislature to-day will be out of date when the War ceases. I do not see any wisdom in insisting on measures which may create bad blood among us to-day and which will be out of place in the near future. I would not enter into the details of the different controversial Bills which are either before the Legislature already or which will be placed before it in the near future. But I would like to point out here that such legislations may be postponed till the end of the War, instead of being pushed through at the present moment. With these few words, Sir, I commend this resolution to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that during the period of war, no official Bill evoking any communal or economic controversy should be introduced in either House of the Legislature.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have ventured to stand up to oppose this resolution. The spirit behind the resolution is this: that those who occupy the position of vested interest, key posts

in the services, and other places, their idea is that they should continue there for ever without anybody, however competent, intruding into their preserves: that is the mentality behind the cry of communalism. Now, Sir, it is easy for anyone who has eyes to see and frankness to confess that a considerable amount of communalism is practised in the name of nationalism. Whenever a competent Muhammadan or a scheduled caste or even a friendless caste Hindu candidate comes in for a post anywhere, the cry of communalism is raised to shut him out, and it is surprising how, in the name of nationalism, so many candidates of inferior calibre from the majority community are taken in. I wonder how resolutions of this kind could be fairly brought with the ostensible object of easing communal situation, whereas in fact their real object is to give expression to communal passions and to excite communal disharmony amongst different communities. The resolution says there should be no official Bill evoking any "communal or economic controversy." If there is the slightest possibility of controversy from a communal or economic point of view, the Bill should not be brought in. I do not know why Bills which have just an air of economic controversy or communal controversy should not be brought in. This House is a factory where Bills are brought in and laws are made. I do not know why Bills, of a particular character should not be brought in. Sir, the motive behind this resolution is this, that the Muhammadan community or the scheduled castes should ever remain down-trodden as they have been in the past. No doubt they are responsible for the position in which they find themselves to-day and the other community is in no way responsible for that, yet it is time that the Muhammadans and the scheduled castes should have an opportunity to serve their country. If it is suggested that if a Muhammadan or a member of the scheduled caste enters a service which is now the monopoly of the caste Hindus, everything would be lost, it implies that they want to make the Muhammadans and the scheduled castes a kind of untouchables in political life. The very idea is absolutely intolerable. I submit, Sir, that this attempt to spread and create disharmony among the communities will not succeed. In spite of this attempt, Hindus and Muhammadans are living peacefully in the villages and there is not much trouble there. The cry of communalism comes from the semi-educated and politically-minded people. But people—Hindus and Muhammadans—outside the political influence are still living together in peace and they will do so for all time to come in spite of this attempt.

I submit, Sir, that the desire of the Muslims to dig in their share in the public services is the natural bye-product of the continued subversive propaganda carried on by our nationalistic Hindu brethren. It is absurd to expect that their cry of independence, their cry of non-co-operation, their continued propaganda for organized law-breaking

will affect the Hindus only and will not move the Muhammadans. The crux of the problem is that the universities are manufacturing a much larger number of candidates than there are vacancies in the services. If there are 500 or a little more vacancies in the Government offices, the eligible candidates annually produced by the Calcutta University alone are 15,000 or 20,000. That is the real problem to-day. The Muhammadans are trying to solve their bread problem and can you honestly blame them for it? The supply has exceeded the demand and this has created this situation. In these circumstances, behind the ostensible purpose of communal harmony, the attempt to oppose any natural and reasonable desire on the part of Muslims and scheduled castes to be useful to the country, is very deplorable. I, therefore, submit that resolutions like this should not be brought in and, in the interest of communal harmony, such resolutions should be discouraged. With these words, I humbly oppose the resolution.

Mr. NUR AHMED: Sir, I rise to oppose this resolution. From the language of the resolution I find that it is too sweeping as it uses the word controversy and think that the honourable mover would have been better advised if he had drafted a resolution requesting this House not to pass any legislation whatsoever. But the important question is, who is to decide whether a Bill brought before this House raises any communal or economic controversy. Nobody can prevent a class of persons or a particular community from raising any controversy on any legislation introduced in this House. So, from the practical point of view, I oppose the resolution. Sir, communalism is causing havoc in this unfortunate land of ours and it is all the more unfortunate that in the garb of this resolution my learned friend has brought the communal question to the forefront. It is very regrettable to observe that most of the resolutions evoking communal controversy have been brought in this House by that very group who have been pressing for all-India unity and who have given out that they are the only people who stand for nationalism and do not want to be guided by any communal considerations whatsoever. But from this very resolution it is apparent that they stand for rank communalism. Sir, I hope to be excused for making this assertion, but I could not help doing so. Had this resolution been given effect to in the past, such useful pieces of legislation as the Bengal Tenancy (Amendment) Bill and the Bengal Money-lenders Bill, the Bengal Agricultural Debtors Bill, would not have found places in the Statute book by this time. It seems strange to me how a similar legislation passed by the Congress Ministry has been hailed as a nation-building and beneficial measure, while such legislations passed by the Bengal Ministry have been characterized as communal. I have tried to compare the provisions of similar Acts—the Money-lenders Act of Bihar and Agriculturists Act and similar Acts in the Punjab and Madras and in other provinces, and I found

that the Bengal Acts compared very favourably with those of the other provinces. But in passing these beneficial and useful measures this Ministry has been characterised as communal, and an agitation has been going on in the country for withdrawing these legislations.

With these few words, Sir, I oppose the resolution.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Monday.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 12th August.

Members absent.

The following members were absent from the meeting held on the 9th August, 1940:—

- (1) Mr. Kader Baksh.
- (2) Rai Bahadur Keshab Chandra Banerjee.
- (3) Khan Sahib Abdul Hamid Chowdhury.
- (4) Khan Bahadur Rezzaqul Haider Chowdhury.
- (5) Mr. Kamini Kumar Dutta.
- (6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (7) Mr. Mohamed Hossain.
- (8) Alhadj Khan Bahadur Shaikh Muhammad Jan.
- (9) Maulana Muhammad Akram Khan.
- (10) Dr. Radha Kumud Mookerji.
- (11) Mr. J. B. Ross.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 12th August, 1940, 2-15 p.m. being the ninth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Chittagong College.

38. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to refer to his answer given to clauses (b) to (d) of question No. 136 of the 11th January, 1940, and to state if any final decision has been taken by the Government in regard to matters mentioned therein?

(b) If so, what final decisions were arrived at by the Government and has the scheme referred to in the said clauses (b) to (d) been finally sanctioned by the Government? If not, when would they be sanctioned?

(c) Is it a fact that the boys obtaining degrees from the Chittagong College would be handicapped in getting admission to the Agricultural College of Dacca for want of affiliation for the Chittagong College in Botany?

(d) Is it a fact that the Chittagong College is under-staffed in the Persian and Arabic Departments and that there has been an insistent demand for the affiliation of the Chittagong College up to the Honours standard in Economics, Chemistry, Physics and Botany in the B.A. and B.Sc. courses? If so, have any measures been adopted by Government to remove these needs of the only first grade college in the whole of Eastern Bengal? If so, what are they? If not, why not?

(e) When will the proposed second grade college and training school for females at Chittagong be started?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) and (b) Since the publication of the last Quinquennial Report, two posts of lecturers, one in Bengali and the other in Arabic and Persian, have been created. Affiliation has been granted in Civics up to the Intermediate standard and in Economics

up to the B.A. (Honours) standard. A sum of Rs. 1,000 has been sanctioned for the library and a second gas plant has been constructed. Schemes for the extension of the College buildings and of the Science laboratory are still under examination.

(c) Yes.

(d) There is no proposal either for strengthening the staff in Arabic and Persian or for affiliation in Chemistry, Physics and Botany up to the Honours standard in B.A. and B.Sc.

(e) A scheme for establishing a first grade Girls' college with training facilities for women teachers is under consideration, but it cannot be stated definitely at present whether and if so, when, this scheme will mature.

Stipend to teachers of primary schools.

39. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

- (a) the amount of a stipend per month given to each trained teacher for primary schools in the districts of Bankura and Midnapore;
- (b) the number of teachers who were under training in the Guru Training Schools in those two districts in 1936, 1937, 1938 and 1939, respectively;
- (c) the number of trained and untrained teachers in the primary schools of the abovementioned districts in 1936-37, 1937-38, 1938-39 and 1939-40, respectively;
- (d) the amount of stipends given to each trained and untrained teacher in the abovementioned districts in the periods mentioned above; and
- (e) the total sum given to trained and untrained teachers from Imperial Grants and the District Fund in the aforementioned periods in the districts mentioned above?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret to say that it has not been possible to procure the information as yet.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to tell the House when the information will be available?

The Hon'ble Mr. A. K. FAZLUL HUQ: We are still enquiring into the matter and the information will be placed before the House as soon as it is ready.

Appointment to the post of Principal of the Serajganj College.

40. Mr. SHRISH CHANDRA CHAKRAVERTI: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that a Muhammadan gentleman residing outside Bengal has been appointed as Principal of the Serajganj College?

(b) Is it a fact that no qualified Bengali-Muhammadan was available for the post? If so, is that the reason for appointing the said gentleman to the post? If not, what are the reasons for such appointment?

(c) Was no Bengali-Hindu available for the post? If so, on what grounds were not Hindu-Bengalis given a chance?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret to say that it has not been possible to procure the information as yet. As soon as the information is available, it will be placed before the House.

Upper primary schools and madrasahs in the district of Jessore.

49. Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) the number of upper primary and lower primary schools and madrasahs in the district of Jessore;

(b) the names of the villages in which these schools are situated;

(c) the amount of grant-in-aid given to each school and madrasah every month; and

(d) the dates of the last payments of such grant-in-aid to each school and madrasah?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret to say that it has not been possible to procure the information as yet.

Tuberculosis hospital in the Comilla Jail.

50. -Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether it is fact that for *mufassil* Bengal, there are only two central jail hospitals for convicts suffering from tuberculosis, one of which is located in Comilla and the other at Suri, and whether, of these two, the one at Suri is inferior to that at Comilla as regards accommodation and equipments;

- (b) whether the tuberculosis hospital at Comilla is housed in a corrugated tin-shed in the midst of the main jail with a population of 791 prisoners;
- (c) what is the population of the Comilla Jail now;
- (d) whether that tuberculosis hospital has but one hall facing west; what is the length and breadth of the inside room which houses the patients and how many of them are now in it and whether they are not too many for this one room;
- (e) how many convicts in the Comilla Jail have been segregated as being suspected of tuberculosis and where are they being lodged;
- (f) whether Government are aware of the grave danger of the spread of tuberculosis infection among the general population of the Comilla Jail that may be caused due to the location of the tuberculosis hospital in the middle of the main jail within one compound wall;
- (g) whether the Government propose to demolish the present structure and construct a two-storied south-facing brick-built building outside the main jail and its wall but within the jail compound in Comilla with a view to remove the chance of spreading tuberculosis infection to other convicts and to house the patients in rooms which will admit of sufficient light and air and remove congestion;
- (h) whether it is a fact that these tuberculosis patients in the Comilla Jail Hospital are given food three times in the day time and that nothing is given to them at night and that 13 to 14 hours intervene before they get their breakfast in the morning of the next day;
- (i) whether the Government propose to give the tuberculosis patients light refreshments in the afternoon as in the morning and allow them such food at 8 or 8-30 p.m. in the night as is now given to them before evening;
- (j) whether it is a fact that the cases of some of the tuberculosis patients in the Comilla Jail Hospital are very serious and alarming; how many of them are so; and
- (k) whether Government propose to release those tuberculosis prisoners in the Comilla Jail Hospital whose conditions are very serious and whom their relations would be willing to take charge of for giving them treatment; or Government will transfer them to a sanatorium; if not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) There are two jail hospitals for tubercular patients in Bengal—one at Suri and the other at Comilla. The hospital at Suri is superior to that of Comilla both as regards accommodation and equipment.

(b) The tuberculosis hospital is housed in a well-ventilated corrugated tin-shed with wooden ceiling, situated in one corner of the jail.

(c) 784 (on 20th July, 1940).

(d) The Tuberculosis Hospital has a single hall facing west. The length and breadth of the inside room is—

	Feet.
Length	... 116
Breadth	... 20

There were 15 patients on 21st July, 1940, in the room which has normal accommodation for 20 patients.

(e) There is none at present.

(f) There is no danger, as all necessary precautions are taken to prevent the spread of infection.

(g) No such proposal is under the consideration of Government at present.

(h) Convalescents who constitute the majority of tubercular patients are given food three times a day. Arrangements are made to give extra food during the night for those patients that require it.

(i) Medical Officer has full discretion to prescribe food for hospital patients of all kinds according to their needs.

(j) No.

(k) Does not arise.

Mr. LALIT CHANDRA DAS: Arising out of (b), will the Hon'ble Minister be pleased to state whether it is not a fact that in spite of wooden ceiling this corrugated tin-shed is extremely hot during summer season?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we have been advised by our experts that the building is not unsuitable for patients.

Mr. LALIT CHANDRA DAS: Arising out of (g), will Government consider the desirability of having a well-ventilated pucca house for these patients?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, if funds permit, naturally that would be the most desirable thing to have.

Training of convicts in cotton and jute industries.

51. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) what is at present the number of convicts in the Comilla Jail and what are the industries taught to them, setting forth the number of convicts as against each industries taught;
- (b) since when the spinning wheel has been introduced in the Comilla Jail and whether this practice obtains in all the jails of Bengal;
- (c) whether Government propose to teach all convicts how to make hessian and other fabrics out of jute, which is the principal crop of Bengal; and
- (d) whether Government propose to teach all convicts in Bengal jails the work of spinning and making fabrics out of cotton and jute, and introduce such work as one of their compulsory daily works; if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The population of the Comilla Jail on the 20th July, 1940, was 784 of whom 714 were labouring convicts. The nature of employment is given below:—

Oil mills	...	17
Wheat grinding	...	10
Coir pounding	...	62
Coir string making	...	32
Weaving and spinning	...	26
Tailoring	...	4
Smithy and carpentry	...	3
Cane and bamboo works	...	11
Durrie weaving	...	34
Soorkey pounding	...	19
		<hr/>
		218
Otherwise employed in jail service, viz., garden, dairy, preparing food articles, petty construction and repairs, etc.	...	407
In hospital	...	89
		<hr/>
		714
		<hr/>

(b) Spinning wheel has been introduced in the Comilla Jail since February last. Spinning has not been introduced in all jails.

(c) and (d) Government have under consideration the question of reorganisation of industries in the jails of Bengal. A scheme will be formulated on the basis of the report of the Bengal Jail Industries Enquiry Committee which has recently been appointed.

Mr. LALIT CHANDRA DAS: Will Government be pleased to place the suggestions contained in questions (c) and (d) before the Bengal Jail Industries Enquiry Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, they will be forwarded.

Books of Kazi Nazrul Islam and others proscribed by the Government.

52. Mr. MOAZZEMALI CHOWDHURY (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) the names of the books of Kazi Nazrul Islam, Buddhadeva Bose and Achinta Kumar Sen Gupta that have been proscribed by the Government;
- (b) the reasons for the proscription of the books; and
- (c) whether the Government now propose to withdraw the ban on all or any of these books; if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) A statement is laid on the table so far as the books of Kazi Nazrul Islam are concerned. No books of Mr. Buddhadeva Bose and Mr. Achinta Kumar Sen Gupta have been proscribed.

(b) The books were considered seditious.

(c) The books are being re-examined.

Statement referred to in the reply to question.No. 52, showing the names of books of Kazi Nazrul Islam which have been proscribed by Government.

1. Bisher Banshee.
2. Bhangar Gan.
3. Pralaya Sikha.
4. Chandrabindu.
5. Jugabani.

Mr. NARESH NATH MOOKERJEE: May I know from the Hon'ble Minister as to when, approximately on what date, these books were banned?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. Long before we came into office.

Mr. NARESH NATH MOOKERJEE: In view of what the Hon'ble Minister said and considering that these books are practically the gems of recent Bengali literature, will the Hon'ble Minister kindly go into the question of the books of Kazi Nazrul Islam and see if he can remove the ban?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that the books are going to be re-examined.

Establishment of Poor Committees.

53. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department kindly state—

- (a) whether detailed instructions have been issued to the Presidents of Union Boards through Circle Officers drawing attention to mandatory provisions of the Bengal Rural Poor and Unemployment Relief Act (Act X of 1939); and
- (b) whether the poor committee has now been formed in every union and lists of poor and unemployed persons have been prepared?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Necessary instructions have been issued in nearly all the districts. In a few districts instructions are under issue.

(b) This is being done.

Khan Bahadur SAIYED MUAZZAMUDIN HOSAIN: Sir, my question was: in how many districts these committees have been formed. That has not been answered.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the question was "(a) whether detailed instructions have been issued to Presidents of Union Boards through Circle Officers drawing attention to mandatory provisions of the Bengal Poor and Unemployment Relief Act" and my reply to that is "necessary instructions have been issued in nearly all the districts". My answer to (b) is "this is being done".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state in how many districts they have already been formed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult to give any definite information as to in how many districts such committees have been formed, having regard to the fact there are over 5,000 union boards. Instructions have been issued to all of them to form committees but it is difficult to say in how many districts committees have actually been formed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that a decision was taken to form committees about a year ago?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if Government have issued instructions to all the boards to form committees immediately?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Instructions have been issued and the committees are being formed.

Taxes on articles sold in markets.

54. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Will the Hon'ble Minister in charge of the Revenue Department kindly state if he is aware that tolls or taxes are being collected by zemindars, lessees or agents on jute, condiments, eggs, wooden articles and other articles of merchandise, sold in *hats* and *bazars* of Bengal, particularly in the district of Mymensingh (e.g., in Bhairab Bazar, Hossainpore, Gaffargaon)?

(b) Is it a fact that by article VII(2) of the proclamation and section 35 of Regulation VIII of 1793, the previous practice by which zemindars used to levy tax and other internal duties or taxes on merchandise in *hats*, *ganjas* and *bazars* of Bengal was prohibited?

(c) If the reply to (b) be in the affirmative, do the Government propose to issue a communique drawing attention of all landholders that realisation of toll in merchandise is illegal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) It is reported that no tolls are collected at Bhairab Bazar from retail purchasers of articles for domestic use. Tolls are collected by zemindars from wholesale exporters of condiments, eggs, wooden articles, cereals, vegetables,

betelnuts, flour, *gur*, sugar, pulses, paddy, rice, etc. No tolls or taxes are collected on jute by zemindars, lessees or agents. As regards Hossainpur, it is reported that since 1938 no toll or tax is being collected, but previous to 1938 a toll called *britti* used to be collected. In the Sadar South subdivision of the district, zemindars lease out their *hats* and it is the lessees who realise rents or tolls at different rates for different articles.

(b) and (c) The legal position in the matter is not free from difficulty and is now under examination by Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state as to when the examination will be over?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter has been placed in the hands of the law officers of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state as to when their opinion can be expected to be received?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As soon as possible.

Appointment of the teacher of Physics and Chemistry of the Jalpaiguri Medical School.

55. Khan Bahadur ATAUR RAHMAN: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department kindly state how many applications have been received by him in response to his advertisement in the *Calcutta Gazette*, dated the 25th April, 1940, for a teacher of Physics and Chemistry in Jalpaiguri Medical School?

(b) What amount of fee has been realised by Government from the candidates for filing the applications?

(c) Is it not a fact that many desirable candidates are debarred from filing applications on account of their inability to meet this fee?

(d) From what time has the system of levy of such a fee been introduced?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department):
(a) Thirteen applications were received by the Public Service Commis-

sion in response to the advertisement issued by it for a teacher of Physics and Chemistry in the Jalpaiguri Medical School.

(b) Rs.65.

(c) Government have no reason to think so.

(d) November, 1937.

Deputy Superintendent of the Dacca Medical School.

56. Khan Bahadur KAZI ABDUR RASHID: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that the present Deputy Superintendent of the Dacca Medical School is a non-Matric and that he has been raised from the rank of a Sub-Assistant Surgeon to that of an Assistant Surgeon?

(b) Do the Government now contemplate giving him further promotion by placing him in charge of a district? If so, what meritorious services he has done to justify such appointment?

(c) Are there not better and more qualified Muslim candidates available in the Province to hold the post of a Civil Surgeon than the present Deputy Superintendent of the Dacca Medical School?

(d) Is it a fact that a public inquiry was held against his conduct and character? If so, why has not that report seen the light of day up till now so as to enable him to vindicate his position? Do the Government propose to remove all misunderstandings, misgivings and suspicions against the gentleman who is shortly going to be promoted to the rank of a Civil Surgeon by giving publicity to the report of the aforesaid inquiry?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Information on all the points is not yet available. A reply to the whole question will be furnished as soon as all the information is available.

Midnapore District Board.

57. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(a) whether the present District Board, Midnapore, is running continuously for over 7 years and has recently passed a resolution for a further extension of its life; if so, whether that resolution has the sanction of Government; how long will the present Board continue;

- (b) what was the total revenue collected by the Midnapore District Board in the years 1935-36, 1936-37, 1937-38, 1938-39 and 1939-40; what were the arrears of collection in those years;
- (c) the amount of money spent for maintenance of roads in the different subdivisions during the years mentioned above; whether any amount was spent in any of the subdivisions on new projects for improving communications;
- (d) the amount spent on medical relief in the different subdivisions during the period;
- (e) the amount spent on education in the different subdivisions during the period; and
- (f) the number of tube wells sunk in the different subdivisions during this period?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Steps have been taken for collection of the information which is not yet available.

Rai Bahadur MANMATHA NATH BOSE: May I enquire as to when it will be available?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope it will be available very soon, but I cannot give any definite time.

All-weather roads in Faridpur district.

58. Mr. MOAZZEMALI CHOWDHURY (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

- (a) the total mileage of all-weather roads in the different subdivisions in the district of Faridpur;
- (b) how much of it is included within municipal areas;
- (c) how much of the all-weather roads, outside of municipalities, are metalled; and
- (d) the total mileage of fair-weather roads in the different subdivisions of the district?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): There are no provincial roads in the district of Faridpur and I am unable to give the honourable member the information which he

desires about roads controlled by local bodies. I should like however to invite his attention to Appendices I and II to Chapter IV of the first volume of Mr. King's Report and to Appendix V to Chapter XXII of the fourth volume.

Arrangement of conveyance from the Singa station on the Eastern Bengal Railway.

59. Mr. K. C. ROY CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that at the Singa station on the Khulna section of Eastern Bengal Railway, hackney carriages and motor buses are not allowed to approach the station but have to keep away from the railway area at a distance of about a quarter of a mile, much to the disadvantage of passengers, especially women passengers and children who are compelled thereby to go to the hackneys all the way through a jungle in constant fear of being robbed of their belonging by *goondas* and thieves, particularly at night?

(b) If the answer to clause (a) be in the affirmative, will the Hon'ble Minister be pleased to state what is the reason for this arrangement in the Singa station?

(c) Will the Hon'ble Minister be pleased to see that arrangements are made for allowing the hackneys and buses to stand close to the railway station as is the practice at other railway stations on the line and thus save the passengers much of their inconveniences and fear of the loss of life and properties?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Motor buses, I am told, cause inconvenience to passengers and interfere with traffic. They have therefore to remain at a distance of about 300 yards from the station on the main road, but there is no restriction on hackney carriages. I am informed that the pathway from the entrance to the railway enclosure to the station does not pass through any jungle and that there is no reason why pedestrians should apprehend attack by robbers.

Rent cases pending before the Debt Settlement Boards of Chittagong.

60. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state if it is a fact that a large number of rent cases are pending in various Debt Settlement Boards of Chittagong and that due to the delay in the disposal of the same, the landowners of Chittagong

are in great difficulty in realisation of arrears of rent from their tenants? If so, what measures have Government taken for the speedy and timely disposal of rent suits by the Debt Settlement Boards?

(b) What is the total number of rent suits which are still pending in different Debt Settlement Boards of Chittagong?

(c) Is it a fact that a large number of non-agriculturists are resorting to Debt Settlement Boards of Chittagong to avoid timely payment of their dues to shopkeepers and other persons, and that the traders of Chittagong have been affected thereby?

(d) If so, what steps have been taken by Government to see that the provisions of law as regards the class of debtors who can legally resort to these Debt Settlement Boards may be strictly followed and that all applicants from non-agriculturists are summarily dismissed or disposed of speedily? If not, why not?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) and (b) The exact number of rent cases cannot be ascertained without an unduly large expenditure of time and labour which is not commensurate with the advantages to be obtained.

The landowners are not in difficulty, as under instructions from Government, Debt Settlement Boards are dealing with the arrear rents separately and are giving separate awards for them. The local officers are ensuring observance of these instructions.

(c) No.

(d) Does not arise.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether tenants have been directed to make payment of rent for the current year and whether therefore they are reluctant to make payment of arrears of rent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the instruction is that tenants have to pay their current year's rent at the present moment, and that their arrears of rent will be settled by the Debt Settlement Boards.

Manufacture of salt.

61. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what measures have been adopted by Government of Bengal to encourage manufacture of salt by the people living on the seashore of the district of Chittagong?

(b) Have Government of Bengal granted any licence for the manufacture of salt from saline water to the people of Chittagong? If so, what is the total number of such licence? If not, do the Government propose to issue such licences as has been done by Governments of some other provinces of India such as Madras and Orissa?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) The Chittagong Trading Union, Limited, is the only salt manufacturing concern in the district. On the recommendation of this Government, the Government of India sanctioned a subsidy for a period of three years to the firm subject to the condition that the minimum outturn during the first year should be 10,000 maunds. The firm was unable to comply with the condition and prayed for more favourable terms which were granted. The firm could not however satisfy even the modified terms with the result that the subsidy could not be paid. It appears that it is essential first to evolve the correct and most economical method of the manufacture of salt before attempting to manufacture salt on a large scale and with this end in view, I have under consideration a scheme for bringing an expert in order to help the salt-manufacturers of the Province with technical advice as to the correct method and assist them in removing the defects in their planning and the selection of sites and also to evolve the most economic process of manufacture of salt suitable for the Province.

(b) The question of granting licences for the manufacture of salt concerns the Government of India. This Government used to administer the subject as an agent of the Government of India who have since taken it over under their direct administration. This Government is only concerned with the question of development of salt manufacture as an industry.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when the scheme for bringing an expert in order to help the manufacture of salt in this province is likely to materialise?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am trying my best to expedite the matter but I cannot give any definite time.

Messages from the Assembly.

SECRETARY to the COUNCIL (Dr. S. K. D. Gupta): Sir, I have received the following messages from the Bengal Legislative Assembly:—

(1) "The Bengal Alluvion and Diluvion (Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on the

7th August, 1940, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested."

Sir, I lay the Bill on the table.

(2) "The Bengal Co-operative Societies Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on 1st August, 1940, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested."

Sir, I lay the Bill on the table.

Election of Members of Privilege Committee.

Mr. PRESIDENT: Order, order. The House will now proceed to elect seven members for the Committee of Privileges, as required by Rule 120 (1) of the Bengal Legislative Council Procedure Rules. In this connection, I am to inform the House that altogether ten nomination papers were received. The names of the candidates are as follows:—

- (1) Maulvi Nur Ahmed.
- (2) Khan Bahadur M. Shamsuzzoha.
- (3) Khan Bahadur Naziruddin Ahmad.
- (4) Khan Bahadur Rezzaqul Haider Chowdhury.
- (5) Raja Bahadur Bhupendra Narayan Sinha.
- (6) Mr. Shrish Chandra Chakraverti.
- (7) Mr. Allan Forrest Stark.
- (8) Mr. Amulya Dhone Roy.
- (9) Mr. Dharendra Lal Barua.
- (10) Maulvi Abul Quasem.

I am also to inform the House that all the nomination papers are in order. Mr. Nur Ahmed, one of the nominees, has since intimated in writing withdrawing his candidature from the election. There are, therefore, nine candidates for seven seats and an election will become necessary. I propose now to explain to the hon'ble members the procedure which I desire to follow in conducting the election. I shall call out the names of the hon'ble members one by one and the hon'ble members will then proceed to the table of the Assistant Secretary who will hand in a ballot paper to each of them. The hon'ble member will thereafter proceed behind the Chair where a table has been placed and also blue pencils provided for for the purpose of marking the voting papers in the manner prescribed in the ballot paper itself. After marking the ballot paper on the table, the hon'ble member will fold the ballot

paper and proceed towards the Registrar's table where a ballot box has been placed. Hon'ble members will please see that they have dropped the folded ballot papers into the box.

(The election then proceeded in the manner prescribed above.)

While the voting was proceeding, the Hon'ble Sir Bijoy Prasad Singh Roy suggested that the business might be expedited if the hon'ble members marked the names on the ballot papers at three or four different places simultaneously instead of doing so at one particular place.

Mr. NARESH NATH MOOKERJEE: Sir, I oppose the proposal made by the Hon'ble Minister on the ground that you have already declared that each member must mark his ballot paper behind the Chair.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If that satisfies my friend, I withdraw my suggestion.

Mr. PRESIDENT: I shall consider your suggestion on a future occasion.

(Mr. President then called, one by one, the members present to exercise their vote for the election of the members of the Privilege Committee.)

I shall now read out the names of the members who were absent and did not exercise their votes. If any one of them happens to be present now, he can exercise his vote. The names are as follows:—

Mr. Kader Baksh,
Rai Keshab Chandra Banerjee Bahadur,
Khan Sahib Abdul Hamid Chowdhury,
Mr. Narendra Chandra Datta,
Mr. Kamini Kumar Dutta,
Khan Bahadur Alhadj Khwaja Muhammad Esmail,
Mr. Mohamed Hossain,
Alhadj Khan Bahadur Shaikh Muhammad Jan,
Mr. Humayun Kabir,
Maulana Muhammad Akram Khan,
Dr. Radha Kumud Mookerji,
Rai Bahadur Radhika Bhusan Roy,
Khan Bahadur M. Shamsuzzoha.

(None of the above-mentioned members was present in the chamber.)

The result of the voting will be declared later on.

Mr. LALIT CHANDRA DAS: Sir, will you keep the ballot box open till 4-15 p.m.

Mr. PRESIDENT: No, it will be closed just now. But the counting will be made and the results announced tomorrow.

The House will now take up the consideration of the Bengal Shops and Establishments Bill, 1940.

The Bengal Shops and Establishments Bill, 1939.

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: I beg to move that in sub-clause (2) of clause 1 of the Bill, for the word "whole", the words "municipal areas" be substituted.

The object of the Bill is no doubt a laudable one but, Sir, I think that conditions of the rural areas of the province being what they are the provisions of the Bill should not be applied outside our municipal towns. It is true, Sir, that the Bill is proposed to be applied in the first instance to Calcutta and other important municipal towns. But once it has been in force in these towns for some time, it is likely that its extension to rural areas may be demanded. But, knowing the conditions of these areas as I do, I do not want, Sir, that it should be so extended. In the villages, the shops are run, as a rule, on a very small scale. Generally, the owners themselves with the assistance of one or two near relatives manage these shops. Secondly, Sir, everybody who has any acquaintance with our countryside will admit that these shops remain open only during some particular hours of the day and do not require such regulation on this account, as the Bill provides.

In view of the facts which I have delineated I do not see, Sir, why this Bill should be extended to the whole of Bengal. Outside the municipal areas it has, in fact, no utility. In case it is extended, it will only create an atmosphere for official interference without doing good to any class of people.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 1 of the Bill, for the word "whole", the words "municipal areas" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to oppose the amendment. It is true that it is not intended to apply this Bill

ordinarily to any place outside a municipality. But, nevertheless, there is no reason why the powers of Government in this connection should be restricted. We may visualise persons going just outside the borders of the municipality and establishing shops there for the purpose of evading the Act. If they did that, it may have a very serious effect on the shopkeepers within the municipal areas. It is proposed, therefore, to retain power to bring such shops within the purview of this Act if it is found that action of this kind has been taken to evade the Act. Otherwise, we shall not be able to deal with such shops. I hope the honourable member feels that there is no need to press this motion and he may be inclined to withdraw it.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Birendra Kishore Roy Chowdhury: that in sub-clause (2) of clause 1 of the Bill, for the word "whole", the words "municipal areas" be substituted.

(The amendment was negatived.)

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (4) of clause 1 of the Bill, for the words "Municipality of Howrah" in lines 6 and 7, the words "the municipalities of Howrah and Chittagong" be substituted.

Sir, this is going to be a new legislation in Bengal. The Government is embarking on a new experiment in this direction. As the Bill now stands, it will apply in the first instance to the City of Calcutta and to the Municipality of Howrah. In the original Bill, it was proposed to extend its operation to the municipalities in the 24-Parganas, but in the Select Committee the latter part has been omitted. Sir, if an experiment is to be made, it is necessary that this should be done in a mofussil municipal area as well. Conditions prevailing in Howrah are similar to those prevailing in Calcutta, and they are for practical purposes one and the same municipality. I suggest, therefore, that experiments should be made in two distinct areas.

It is provided in the Bill that Government may by notification extend the provisions of this Bill to any other area. With due deference to Government, I must submit that every beneficial Act contains similar provisions although in actual practice such provisions are seldom given effect to. Such beneficial measures as the Bengal Children's Act, the Bengal Cruelty to Animals Act, the Bengal Suppression of Immoral Traffic Act have been put into operation only so far as the City of Calcutta is concerned, but the rest of Bengal has been deprived of all benefits arising therefrom. I had at one time tried to put the Bengal Children's Act into operation in Chittagong but failed, and when as a last resort I tabled a motion for consideration of a Bill to that effect in this House, it was vetoed.

With all respect, I must submit that in actual practice we find that red-tapism is still encouraged by the present Government. When the question of extension comes, the question of finance and other intricate questions are raised, and it is never extended. So, I appeal to the Hon'ble Minister to make an experiment in a mofussil town like Chittagong which is eminently fit for it, as it is the second major port in Bengal. The number of shops within its municipal areas exceeds 1,300.

With these few words, Sir, I appeal to the Hon'ble Minister to accept my motion.

Mr. PRESIDENT: Amendment moved: that in sub-clause (4) of clause 1 of the Bill, after the word "Howrah" in line 7, the words "and the municipalities of Howrah and Chittagong" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I appreciate the motive of the honourable member who, in his great solicitude for the down-trodden people of this province, has sponsored several very good Bills for their relief. The fact is that the arm of law is not so long as it is believed to be, and we would like to have a little bit of experience near about in Calcutta and in Howrah where we shall be able to see how this Act works, how we can supervise it, how it is evaded or how it can be evaded, so that after having gained necessary experience we may be able to apply it to the mofussil towns as well. I would like to assure the honourable member that I will certainly keep the claims of Chittagong in mind, and as soon as we have gained sufficient experience we shall apply it to Chittagong. I hope the honourable member will accept my assurance and withdraw the amendment.

Mr. NUR AHMED: In view of the assurance given by the Hon'ble Minister, Sir, I beg leave of the House to withdraw the amendment.

(The amendment of Mr. Nur Ahmed was then, by leave of the House, withdrawn.)

Mr. PRESIDENT: The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 2, after the words "subject or context", the following sub-clause be inserted, namely:—

"(A) 'closed' means not open for the service of any customer".

Mr. PRESIDENT: Amendment moved: that in clause 2, after the words "subject or context", the following sub-clause be inserted, namely:—

"(A) 'closed' means not open for the service of any customer".

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I oppose the amendment which the Hon'ble Sir Bijoy Prasad Singh Roy has moved for inserting sub-clause (A) in clause 2 of the Bill. Sir, if this amendment is adopted and if the word "closed" is made to mean "not open for the service of any customer", the benefit which it is the object of the Bill to offer to the employees will be completely neutralised. A commercial establishment or a shop may not be open to a customer during certain hours, but the employees may be made to work all the same at other and not less arduous duties. Everybody knows that a bank is closed to a customer after 3 o'clock in the afternoon but that does not mean that the employees are out of work after that hour. On the contrary, they have to put in 3 or even 4 hours of work after that every day. The object of the Bill will be completely frustrated if the word "closed" is defined in the way that the Hon'ble Minister is trying to do. I hope, Sir, that the Hon'ble Minister will withdraw the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. The reason for this amendment is this: there are many shops where poor shopkeepers and assistants live in the shop in the night. If you do not insert this definition, it would be impossible for them to sleep in the shop at night. All you want is that sales should be stopped at a certain hour. You need not close the shop for all purposes. If poor owners and assistants cannot open the doors for egress and ingress at night for purposes other than sale, a severe hardship may result. In order to provide for this facility this definition has been introduced—and not to provide a loophole, as has been supposed. In fact the Bill is an experiment and we should proceed rather cautiously and must not produce needless hardship through hurry. In case the Bill is evaded through this amendment, something can be done later on. With these few words I beg to support the amendment.

Mr. NARESH NATH MOOKERJEE: Sir, I am sorry I do not see any force in the Khan Bahadur's speech in support of this amendment. Sir, I take it that the object of this Bill is to regulate the hours of work in shops and commercial establishments, and not merely to declare when shops should be closed. I think if this amendment is carried, it will hit at the root of the principles that have actuated Government to bring up this measure. I consider, Sir, that when a

shop is closed, it should be closed to all employees of the shop, and also employees of commercial establishments for all purposes and not merely to customers. I can only look at this amendment with a great deal of suspicion : because if this amendment is carried, I am afraid the clauses that have been inserted to regulate the hours of work in this Bill will be absolutely nullified. I really do not know what is the reason for Government's sponsoring this amendment. As the Hon'ble Sir Bijoy Prasad has not given us any explanation as to why he wants this insertion, I am unable to know the reason for it. I wish to request Government, Sir, not to bring up an amendment of this kind at this stage because it makes us very suspicious. We are out to co-operate with Government in this Bill, provided such radical changes are not made so as to completely alter the character of this Bill. I again request Sir Bijoy to withdraw this amendment.

Khan Bahadur SYED MUAZZAMUDDIN HOSAIN: Sir, my honourable friend, it seems, has not really followed the object of this amendment. Sir, in section 5 the word "closed" appears in the passage "every shop shall be entirely closed on at least one and a half days in each week, and so on." It has reference to the closing of shops but it is not at all clear as to whether it will mean that the doors of a shop will be closed or that there should be no sale or purchase in any shop. I think to clarify the meaning of the word "closing", this amendment has been brought forward.

Sir, my honourable friend has said that this amendment will really frustrate the very object of the Bill. It is not at all correct. For, there are other sections to deal specifically with hours of work and other things. Sections 6 and 7 specially lay down certain hours of work including work inside the shop even after it is closed. The expression "closed" is only an explanation with reference to sections 5 and 6, and does not affect the working hours of shopkeepers. If the assistant in a shop works after the closing of the shop that will be taken into account, and if the working hours exceed ten hours, the keeper of the shop will be liable to punishment.

With these words, Sir, I support the amendment.

Mr. NARESH NATH MOOKERJEE: Sir, on a point of information. How will the Inspectors, who will be in charge, if they want to inspect the shops, be able to get access into the shops?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the debate here has shown that there is great need for clarifying the meaning of the word "closed". The definition has been taken bodily from the Bombay Act, as we found that there is likely to be some confusion as to when a shop, which has closed its shutters, is really a closed shop or otherwise. If we

do not have this definition, the result would be just the reverse of what my honourable friends on the other side apprehend, viz., it may be stated that "closed shop" means a shop where the doors are closed, but where work may be carried on inside. Hon'ble members have overlooked a certain section in this Act which states that no shop assistant can work more than 56 hours a week, and within these 56 hours come all the various works which he may be called upon to do within the shop. No customer may equally be served for more than half an hour after the shop had closed its doors; that is to say, a customer must have come into the shop when the doors were open; but after the shop has closed its doors, he can be served for only half an hour. After that the work will be finished.

It is in order to clarify the situation and to prevent further disputes in future that we have thought it necessary to explain the meaning of the word "closed".

Mr. PRESIDENT: The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy, namely, that in clause 2, after the words "subject or context", the following sub-clause be inserted, namely:—

"(A) 'closed' means not open for the service of any customer;".
(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that after sub-clause (4) of clause 2, the following sub-clause be inserted, namely:—

"(4) (aa) 'factory' means a factory as defined in, or declared to be a factory under, the Factories Act, 1934".

In fact, Sir, this is the Government amendment in a re-drafted form; it is exactly the same with the typographical error eliminated.

Mr. PRESIDENT: Amendment moved: that after sub-clause (4) of clause 2, the following sub-clause be inserted, namely:—

"(4) (aa) 'factory' means a factory as defined in, or declared to be a factory under, the Factories Act, 1934".

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. Does this mean that only such factories as are driven by machine-power will come under the purview of this Bill, and those factories where no machine-power is used will be excluded? I would like to have the Hon'ble Minister's views on this matter.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, in the first place, I do not quite understand which amendment my friend Khan Bahadur

Naziruddin Ahmad has moved, because No. 1 of late list 2 states; "a factory means a factory as defined or as declared to be a factory," but the honourable member has moved that "factory means a factory as defined in, or declared to be a factory under, the Factories Act, 1934." He has only added the word "in". So long as the word "in" is there, it is the one and the same thing, and I have no objection to accepting the amendment. A factory as defined in the Act includes an establishment in which there is motor-power.

Mr. NARESH NATH MOOKERJEE: But what about the small factories like the sugarcane factories, the biscuit factories and such other small concerns which are dotted all over the city? They work till late hours at night with sweated labour.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, if they are factories, they are factories; and if they are not factories, they are not. There is no provision as yet for looking after their interests except where Government declares them to be factories.

Mr. PRESIDENT: The question before the House is: that after sub-clause (4) of clause 2, the following sub-clause be inserted, namely:—

"(4) (aa) 'factory' means a factory as defined in, or declared to be a factory under, the Factories Act, 1934".

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in sub-clause (6) of clause 2, for the words "or any member of the family of a shopkeeper or employer", the following words be substituted, namely:—

"or the husband, wife, child, father, mother, brother or sister of a shopkeeper or employer who lives with, and is dependent on, such shopkeeper or employer".

Mr. PRESIDENT: Amendment moved: that in sub-clause (6) of clause 2, for the words "or any member of the family of a shopkeeper or employer", the following words be substituted, namely:—

"or the husband, wife, child, father, mother, brother or sister of a shopkeeper or employer who lives with, and is dependent on, such shopkeeper or employer".

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I rise to support the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy. I gave notice of an amendment for deletion of the words "or any member

of the family of a shopkeeper or employer" in lines 18 and 19 of sub-clause (6) of clause 2. The object of my amendment was obvious. It was to stop the exploitation of distant relatives under cover of this sub-clause. As my object has been achieved by the amendment of the Hon'ble Minister, I have much pleasure in supporting it. So, Sir, I refrain from moving my own amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am grateful to the European Group for having pointed out this hiatus: without the definition of the term "family", the Bill would have been difficult to work.

Mr. PRESIDENT: The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy: that in sub-clause (6) of clause 2, for the words "or any member of the family of a shopkeeper or employer", the following words be substituted, namely:—

"or the husband, wife, child, father, mother, brother or sister
of a shopkeeper or employer who lives with, and is
dependent on, such shopkeeper or employer".

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 2A.

Mr. PRESIDENT: Clause 2A stand part of the Bill.

The question before the House is: that clause 2A stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. PRESIDENT: Clause 4 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for paragraph (b) of sub-clause (1) of clause 4, the following be substituted, namely:—

“(b) any railway service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation, any industry, business or undertaking which supplies power, light or water to the public and such other public utility companies or associations or classes thereof as the Provincial Government may, by notification, exempt from the operation of this Act”.

Mr. PRESIDENT: Amendment moved: that for paragraph (b) of sub-clause (1) of clause 4, the following be substituted, namely:—

“(b) any railway service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation, any industry, business or undertaking which supplies power, light or water to the public and such other public utility companies or associations or classes thereof as the Provincial Government may, by notification, exempt from the operation of this Act”.

The question before the House is: that for paragraph (b) of sub-clause (1) of clause 4, the following be substituted, namely:—

“(b) any railway service, water transport service, tramway or motor service, postal, telegraph or telephone service, any system of public conservancy or sanitation, any industry, business or undertaking which supplies power, light or water to the public and such other public utility companies or associations or classes thereof as the Provincial Government may, by notification, exempt from the operation of this Act”.

(The amendment was agreed to.)

Mr. NUR AHMED: Sir, I gave notice of an amendment. But this amendment will serve the purpose of my amendment: so I do not move my amendment.

Mr. PRESIDENT: It is not necessary to give any explanation. The honourable member is only to say that he does not move the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, our decision not to move some of the amendments is being laughed at by some members of the Congress Group. That is the reason why my friend has given this explanation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move: that in paragraph (*f*) of sub-clause (*I*) of clause 4, the word "similar" in line 3 be omitted, and after the word "Act", the words "so far as the sale of these articles is concerned" be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to this amendment, the latter portion of it is similar, word for word and letter for letter, to that of my amendment No. 49.

Mr. PRESIDENT: Amendment moved: that in paragraph (*f*) of sub-clause (*I*) of clause 4, the word "similar" in line 3 be omitted, and after the word "Act", the words "so far as the sale of these articles is concerned" be inserted.

The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy: that in paragraph (*f*) of sub-clause (*I*) of clause 4, the word "similar" in line 3 be omitted, and after the word "Act", the words "so far as the sale of these articles is concerned" be inserted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in paragraph (*h*) of sub-clause (*I*) of clause 4, for the words "cremations and other death ceremonies", the words "or cremations" be substituted.

Mr. PRESIDENT: Amendment moved: that in paragraph (*h*) of sub-clause (*I*) of clause 4, for the words "cremations and other death ceremonies", the words "or cremations" be substituted.

The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy: that in paragraph (*h*) of sub-clause (*I*) of clause 4, for the words "cremations and other death ceremonies", the words "or cremations" be substituted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for paragraph (*ma*) of sub-clause (*I*) of clause 4, the following be substituted, namely:—

"(*ma*) shops dealing in petroleum products or spare parts for motor vehicles".

Mr. PRESIDENT: Amendment moved: that for paragraph (ma) of sub-clause (I) of clause 4, the following be substituted, namely:—

“(ma) shops dealing in petroleum products or spare parts for motor vehicles”.

The question before the House is: the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy that for paragraph (ma) of sub-clause (I) of clause 4, the following be substituted, namely:—

“(ma) shops dealing in petroleum products or spare parts for motor vehicles”.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that after paragraph (n) of sub-clause (I) of clause 4, the following paragraph be inserted, namely:—

“(na) Such seasonal commercial establishments engaged in the purchase of raw jute or cotton or in cotton ginning or cotton or jute pressing, and the clerical departments of such seasonal factories as the Provincial Government may, by notification, exempt from the operation of this Act”.

Mr. PRESIDENT: Amendment moved: that after paragraph (n) of sub-clause (I) of clause 4, the following paragraph be inserted, namely:—

“(na) Such seasonal commercial establishments engaged in the purchase of raw jute or cotton or in cotton ginning or cotton or jute pressing, and the clerical departments of such seasonal factories as the Provincial Government may, by notification, exempt from the operation of this Act”.

The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy: that after paragraph (n) of sub-clause (I) of clause 4, the following paragraph be inserted, namely:—

“(na) Such seasonal commercial establishments engaged in the purchase of raw jute or cotton or in cotton ginning or cotton or jute pressing, and the clerical departments of such seasonal factories as the Provincial Government may, by notification, exempt from the operation of this Act”.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 4, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. PRESIDENT: Clause 5 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in sub-clause (1) of clause 5, the words "for not less than six consecutive days" be omitted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (1) of clause 5, the words "for not less than six consecutive days" be omitted.

The question before the House is: that in sub-clause (1) of clause 5, the words "for not less than six consecutive days" be omitted.

- (The amendment was agreed to.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move that after the proviso to sub-clause (1) of clause 5 of the Bill, the following second proviso be added, namely:—

"Provided further that every person employed in the shop shall be allowed as holidays at least one and a half days in each week".

Sir, I have moved for incorporation of this proviso only to ensure one and a half days as holidays in each week to the employees, irrespective of the kind of shops in which they may happen to work. A shop in which some mixed business is done, may not be closed on any of the days of the week. But, Sir, the employees by turns must be given the fixed holidays in each week.

Mr. PRESIDENT: Amendment moved: that after the proviso to sub-clause (1) of clause 5 of the Bill, the following second proviso be added, namely:—

"Provided further that every person employed in the shop shall be allowed as holidays at least one and a half days in each week".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this is unnecessary, as after the expression "consecutive days" is removed, it comes to exactly the same thing as the honourable member proposes to ensure.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I consider this amendment unnecessary, and so I oppose it.

Mr. PRESIDENT: The question before the House is: that after the proviso to sub-clause (1) of clause 5 of the Bill, the following second proviso be added, namely:—

“Provided further that every person employed in the shop shall be allowed as holidays at least one and a half days in each week”.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 5, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: Clause 6 stand part of the Bill.

The question before the House is: that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in sub-clause (1) of clause 7, the words “for not less than six consecutive days” be omitted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (1) of clause 7, the words “for not less than six consecutive days” be omitted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 7, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

Mr. W. B. C. LAIDLAW: On a point of order, Sir. May I point out that there is an amendment at the bottom of page 2 of the late list 1? This is not being placed before the House.

Mr. PRESIDENT: The Hon'ble Minister can oppose it at the time of voting, because I will place the whole clause before the House for voting.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move that in sub-clause (1) of clause 8 of the Bill, for the words "two hundred and eight hours in any one month" in lines 3 and 4, the words "seven hours in any one day" be substituted.

Sir, if the employees are required to work in a commercial establishment for 208 hours in any one month, it will virtually amount to work for more than eight hours and a half each day, after excluding Sundays and the half Saturdays. In other words, an employee may be compelled to work from ten in the morning to nearly seven in the evening. To me, Sir, this arrangement appears to be atrocious. It is true that in many of the commercial establishments the employees have actually to work for such a long period at the present time. But everybody ought to feel that this amounts only to undue exploitation of the helpless condition of the employees. It is time that such exploitation ceases in this province. Seven hours a day is certainly a reasonable period for which an employee may be required to work.

Mr. PRESIDENT: Amendment moved: that in sub-clause (1) of clause 8 of the Bill, for the words "two hundred and eight hours in any one month" in lines 3 and 4, the words "seven hours in any one day" be substituted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to oppose this amendment, because there is an amendment by Sir Bijoy for deletion of the entire clause 8. I think that it ought to be placed first before the House.

Mr. PRESIDENT: That will come last.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, we oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am merely attempting to anticipate the arguments that we may have to advance for omitting clause 8 altogether, because in case we merely give a negative vote, the reasons why we are omitting a valuable clause of the Bill may not be understood. We have adopted the amendment that was proposed by the European Group, and the reason why Government have tabled an amendment of their own on similar lines is to show that we take the responsibility for such an important amendment to the Bill. The amendment proposed by Mr. Birendra Kishore Roy Chowdhury has certainly my sympathies. But the reason why we wish to withdraw clause 8 altogether from the Bill and, therefore, not impose any limits of hours of work in commercial establishments for the time being is that

we have not got sufficient information at our disposal which will enable us to implement the clauses of this Bill. We feel that we will not be able to administer the Bill in a satisfactory manner, because the information at our disposal is not sufficient. There are commercial establishments of various kinds. There may be commercial establishments conducted by, say, European Managing Agents. They as a rule will not be affected by this Bill, because so far as we know their clerks and employees working in those establishments work well under 208 hours per month. Consequently, if the clause were there, the European Group or the firms which are managed by them will not be adversely affected. But there are commercial establishments of various other kinds. There are the banks, there are the establishments which are managed by our own merchants in Burra Bazar and in similar places with regard to whose hours of work we have not got sufficient information. They come at odd hours and they work until odd hours in the night, and we propose to conduct an enquiry into the hours of work of various kinds of commercial establishments and then come up with some proposals before this House which will enable us to control these commercial establishments satisfactorily. For instance, we do not know how they may divide these 208 hours of work. One commercial establishment may say, "our men come in at 8 o'clock in the morning and work till 10. From 10 to 1, we will give them leave, and then allocate the period from 1 to 3 as their hours of work. Then, he will get leave from 3 to 6, and we will again make him work from 6 to 11 or 1 at night". Such things we want to avoid, but at the same time we should not do anything which will interfere with the progress of business and commerce on which the greatness of the city depends. For this reason, I think, it will be an inadvisable piece of legislation if, without further materials at our disposal and without being more definite as to how to control the hours of work and also owing to the difficulties in administering the Bill as it will stand, we have decided to withdraw clause 8 altogether.

Mr. NARESH NATH MOOKERJEE: May I take it that Government intend to bring in a separate Bill to control the hours of work in the commercial establishments? If so, may we know from the Hon'ble Minister when he proposes to bring in such a Bill before this House?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, it is my purpose to bring in another Bill after necessary enquiries have been completed. Of course, the nature of that Bill will depend on the nature of the enquiries. So far as I am aware, commercial establishments do require control, but I want to be quite certain of my facts before I bring in this Bill. I do hope I will be able to bring in such a Bill some time in March next.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Birendra Kishore Roy Chowdhury: that in sub-clause, (I) of clause 8 of the Bill, for the words "two hundred and eight hours in any one month" in lines 3 and 4, the words "seven hours in any one day" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 8 stand part of the Bill.

(The motion was negatived.)

Order, order. The House stands adjourned till 2-15 p.m. on Tuesday.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 13th August, 1940.

Members absent.

The following members were absent from the meeting held on the 12th August, 1940:—

- (1) Mr. Kader Baksh.
- (2) Rai Bahadur Keshab Chandra Banerjee.
- (3) Khan Sahib Abdul Hamid Chowdhury.
- (4) Mr. Narendra Chandra Datta.
- (5) Mr. Kamini Kumar Dutta.
- (6) Khan Bahadur Albaj Khwaja Muhammad Esmail.
- (7) Mr. Mohamed Hossain.
- (8) Alhadj Khan Bahadur Shaikh Muhammad Jan.
- (9) Mr. Humayun Kabir.
- (10) Maulana Muhammad Akram Khan.
- (11) Dr. Radha Kumud Mookerji.
- (12) Rai Bahadur Radhika Bhusan Roy.
- (13) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES .

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 13th August, 1940, at 2-15 p.m. being the tenth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Banning of meetings, etc., under the Ordinance passed by Government.

62. Mr. RANAJIT PAL CHAUDHURI (on behalf of Mr. K. G. Roy Chowdhury): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that after the declaration of war Government passed an Ordinance declaring that the holding of meetings, processions or demonstrations without the previous permission of the Commissioner of Police in Calcutta and of the District Magistrate in *mufassil* areas in violation of the above Ordinance, would be liable to prosecution, jail or confinement?

(b) Is it a fact that members of the trade unions which are affiliated to the All-India Trade Union Congress, holding meetings, processions or demonstrations without the permission of the Commissioner of Police in Calcutta or of the District Magistrate in *mufassil* areas are either prosecuted or their meetings, processions or demonstrations are dispersed with *lathi* charges by the Police?

(c) Is it a fact that members of many trade unions affiliated to the National Chamber of Labour (Moslem League) have been holding meetings, processions or demonstrations without taking any permission of the Commissioner of Police or of the District Magistrate in *mufassil* areas?

(d) Is it a fact that the Bose Party and the suspended Bengal Provincial Congress Committee and the *Forward Bloc* hold meetings and processions and demonstrations for the boycott of newspapers and other things always and everywhere in Bengal and Calcutta and also in *mufassil* areas without taking any permission of the Commissioner of Police in Calcutta or of the District Magistrate in *mufassil* areas?

(e) If the replies to clauses (a) to (d) be in the affirmative, what steps have been taken by Government as regards clauses (c) and (d)?

(f) Will the Hon'ble Minister be pleased to state—

- (i) how many organisations applied to the Government for permission for holding meetings, processions or demonstrations; how many got such permissions; what are their names and number from September, 1939, to June, 1940; and
- (ii) how many of the organisations were refused permission with dates and number of the applications for permission rejected and also the names of such organisations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department): Statistical information is not available in the form desired by the honourable member and to compile it specially would entail an expenditure of time, labour and money which Government regret they cannot see their way to undertake.

Mr. NARESH NATH MOOKERJEE: Does not the Hon'ble Minister consider that this is an instance where the expenditure of time, labour and money are justified? The honourable member who has put in the question has suggested that there is differential treatment meted out to members of the Trade Union Congress and members of the Trade Unions which are organised under the auspices of the Muslim League. This is a very serious charge, and I do hope that Government will investigate into this matter and inform the House as to what their findings are.

Mr. PRESIDENT: Will the Hon'ble Minister please see that so far as paragraphs (a), (b) and (c) are concerned, there is no question of statistics. But the answer is that statistical information is not available in the form desired. In the case of paragraph (f) only, the question of statistics comes.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the question is this—is it a fact that the workers of the trade unions which are affiliated to the All-India Trade Union Congress, holding meetings—

Mr. PRESIDENT: But will you please read out paragraph (a)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that after the declaration of war, Government passed an Ordinance declaring that the holding of meetings, processions or demonstrations without the previous permission of the Commissioner of Police in Calcutta or of the District Magistrate in *mufassil* areas in violation of the above Ordinance, will be liable to prosecution, jail or confinement?

Mr. PRESIDENT: Is it in any way concerned with statistics? But the answer is "statistical information is not available in the form desired by the honourable member and to compile it specially would entail an expenditure of time, labour and money which Government regret they cannot see their way to undertake."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Of course, the answer to (a) is "yes".

Mr. PRESIDENT: Where is it? Paragraphs (a), (b), (c), (d) and (e) have nothing to do with statistics. Only paragraph (f) is concerned with statistics. The answer which perhaps refers to paragraph (f) only, seems to have been carelessly prepared.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: All right, Sir. I promise to look into the matter.

Failure of crops in Faridpur.

63. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) if his attention has been drawn to the widespread failure of the *aus* crop in large parts of the Sadar subdivision of Faridpur;
- (b) if he is aware that the jute crop in these areas is also unsatisfactory;
- (c) if he proposes to grant relief by remission of rent in the affected areas; and
- (d) if he proposes to take steps for the improvement of road and canal communication in these areas by opening relief construction works?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) On the average about 10 annas of the *aus* crop is reported to have failed in this subdivision.

(b) On the whole the jute crop in the area has not been satisfactory.

(c) The question of grant of relief will not arise till after it is seen how far the *aman* paddy which is the principal crop in the area has been successful.

(d) It is not considered necessary to open any relief works at present.

Mr. HUMAYUN KABIR: Arising out of (c), will the Hon'ble Minister please state if he is aware that the *aman* paddy also is not satisfactory in this locality this year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is too early to say that.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that there was at first insufficient rain and recently there has been a sudden increase of water in the area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it may be that the prospects of *aman* paddy are not good, but one cannot yet definitely assert that it has failed altogether or even partially.

Mr. HUMAYUN KABIR: Are we then to understand that the Government will not take any steps till the crops are definitely known to have failed, and is it too late to take any steps?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If by "steps" the honourable member means steps for giving relief to the cultivators, no relief can be granted till there is distress, or rather, no relief is necessary till there is distress. Simply because the water has risen, relief is not justified.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state if the peasantry in this locality depend mainly on jute as their main money crop?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, everywhere in Bengal that is a fact.

Mr. HUMAYUN KABIR: In that case is the Hon'ble Minister prepared to say that there would be no distress in the area after the failure of the jute crop, as admitted in answer to (b)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Failure of jute crop means loss of money crop, but it does not always mean distress.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please define a state of affairs when there is no money crop and still there is no distress?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In Western Bengal, as the honourable member is probably aware, the area of jute is very limited, but Western Bengal does not always suffer from distress where there is sufficient paddy.

Mr. HUMAYUN KABIR: Can the Hon'ble Minister deny that on the whole the Bengal peasantry live perpetually on the verge of starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is a general question which I cannot answer.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state whether 6 annas crop is sufficient for the cultivators to go on till the *aman* crop is reaped, because he has said that 10 annas crop has failed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may be insufficient.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are we then not to conclude that there has been distress and relief is necessary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Those who are landless labourers are getting some work, and those who have got some lands are hoping that the *aman* crop will succeed. There is no actual distress at present, and they do not require any relief.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: How are they to get on till the *aman* crop is reaped?

Mr. PRESIDENT: That is a matter of opinion.

Mr. RANAJIT PAL CHAUDHURI: Considering the unsatisfactory state of crop, do not Government consider the desirability of not enforcing the education cess in that district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I submit that question does not arise.

Distribution of the income of the Jessore District Board among subdivisions of the district.

64. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of Mr. K. C. Roy Chowdhury): (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that in the District Board, Jessore, the income received from every subdivision of the said district is not divided proportionately among them?

(b) If so, what is the reason thereof?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department):

(a) Yes.

(b) The income of every district board is distributed for expenditure over the district as a whole according to the relative needs and requirements of the various parts of the district.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are Government aware that unless there are some definite rules, the rate of distribution may be abused and the distribution may not be fair?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: The fact is that there is no definite rule in this connection and as a matter of fact, the Local Self-Government Act does not empower Government to interfere. District Boards are local self-governing institutions with representatives of the people on them, and Government are very reluctant to interfere with their activities ordinarily.

Proposed Ladies' Park near Southern Avenue.

65. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of Mr. K. G. Roy Chowdhury): (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the projected Ladies' Park in Scheme No. XLVII of the Calcutta Improvement Trust, between Southern Avenue and Monoharpooker Road, has been abandoned?

(b) If so, what are the reasons?

(c) Is it a fact that scores of people purchased lands in Southern Avenue close to the proposed park, in expectation of the advantages of a park?

(d) Has the Hon'ble Minister received memorials signed by hundreds of residents of the local Lake area, protesting against the said abandonment?

(e) Has he seen the editorial in the *Amrita Bazar Patrika* condemning the abandonment?

(f) Has he read reports in the local papers of several meetings protesting against the abandonment?

(g) Has the present Chairman of the Calcutta Improvement Trust decided to sell the site of the park to members of a particular community?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) It was proposed to have another park at right-angles to the existing Dhakuria Lake and Park, but it was never intended for the exclusive use of ladies.

(b) Owing to the proximity of the Lake and three other parks in the neighbourhood, the Board resolved that the proposal for the construction of the park be dropped and that the land comprised in the park be sold in plots as building sites for which there is a very great demand in that particular locality.

(c) No. Only one plot of land in the vicinity of this park has been sold but the transaction has not yet been completed.

(d) Only one memorial signed by 27 persons was received.

(e) to (g) No.

Announcement of names of Members elected to the Committee of Privilege.

Mr. PRESIDENT: I am to inform the honourable members that as a result of voting for the purpose of the Privilege Committee, the following members are declared elected in order of preference of votes secured by them:—

- (1) Mr. Allan Forrester Stark.
- (2) Mr. Shrish Chandra Chakraverti.
- (3) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.
- (4) Khan Bahadur Naziruddin Ahmad.
- (5) Khan Bahadur Rezzaqul Haider Chowdhury.
- (6) Mr. Dharendra Lal Barua.
- (7) Mr. Amulyadhane Roy.

Mr. MESBAHUDDIN AHMED: May I know the number of votes each member has secured?

Mr. PRESIDENT: Order, order. All relevant information will be available on the notice board. The Chief Whip of the Coalition Party is expected to know this.

Laying of the Bengal Jute Regulation (Amendment) Bill, 1940.

SECRETARY to the COUNCIL (Dr. S. K. D. Gupta): Sir, the following message duly signed by the Hon'ble the Speaker has been received from the Bengal Legislative Assembly:—

“The Bengal Jute Regulation (Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on the 6th August, 1940, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council on the Bill is requested.

M. AZIZUL HUQUE,

Speaker,

Bengal Legislative Assembly.

CALCUTTA:

The 12th August, 1940.”

Sir, I herewith lay on the Table the Bengal Jute Regulation (Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly at its meeting held on the 6th August, 1940.

Notices given by Hon'ble Ministers.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to give notice that during the current session of the Council I shall move that the Bengal Jute Regulation (Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly be taken into consideration and passed as settled in the Council.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, with your permission I propose to move in the Bengal Legislative Council on the 19th August, 1940, that the Bengal Revenues (Charged Expenditure) Bill 1940, as passed by the Bengal Legislative Assembly be taken into consideration and passed.

Sir, I crave your permission to allow me to move the motion at short notice.

Mr. PRESIDENT: What is the name of the Bill?

The Hon'ble Mr. H. S. SUHRAWARDY: The Bengal Revenues (Charged Expenditure) Bill.

Mr. NARESH NATH MOOKERJEE: Sir, the Hon'ble Minister has requested you to waive the rules regarding notice of his motion relating to this Bill. There are several important Bills which have been introduced recently and if you do not give us the usual time, we shall not be able to deal with all the provisions of those Bills in the way we would like to. I do not know if this particular Bill requires any consideration now. We have the Co-operative Societies Bill which is very important; the Bengal Jute Regulation Bill is also very important and we would like to put in amendments in connection with them. So, unless there is very great urgency about this Bill, I would request the Hon'ble Minister not to press for waiving of the rules.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have no doubt that so far as the important Bills mentioned by the honourable member are concerned, they contain several clauses. But my Bill is a small Bill containing three clauses and it will not take much time. It deals with payments that have to be made under the Statute rather than to be voted by the House. I may point out in this connection that the Upper House does not exercise the right of voting in this matter and is not much concerned with it.

Mr. PRESIDENT: I would ask members to give notice of amendments for circulation or for reference to the Select Committee by 2 p.m. on Thursday next, so that the Bill may be taken up on Monday for consideration.

The House will now resume further consideration of the Bengal Shops and Establishments Bill, 1939.

The Bengal Shops and Establishments Bill, 1939.

Clause 9.

Mr. PRESIDENT: Clause 9 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in sub-clause (1) of clause 9, the words "for not less than six consecutive days" be omitted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (1) of clause 9, the words "for not less than six consecutive days" be omitted.

The question before the House is the motion of the Hon'ble Sir Bijoy Prasad Singh Roy, namely, that in sub-clause (1) of clause 9, the words "for not less than six consecutive days" be omitted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 9, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: The question before the House is: that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: Clause 11 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that clause 11 be omitted.

Mr. PRESIDENT: Amendment moved: that clause 11 be omitted.

Mr. NARESH NATH MOOKERJEE: Sir, the Hon'ble Minister has not given any reason why he wants this clause to be omitted and in the absence of any reason I feel that we cannot really make up our minds as to the views we should take about it. I am inclined to think that the omission of this clause will convert places of amusement into little markets after closing hours in the evening. I do not really know why Government desire the deletion of this clause. After all, the clause, as it stands now, is very fair, because it states clearly that articles sold in any shop should not be kept for sale in any place of amusement. I do not suppose that there will be any difficulty if this clause is allowed to remain. I would like, however, to hear the reasons why it should be omitted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the reason for the deletion of clause 11 is that it is too vague. We have decided to withdraw the clause because of the vagueness of the expression that no article of a kind similar to that which is kept in any shop for sale shall be sold. What exactly that means and conveys is difficult to decide. What are the articles which may be kept in any place and how far the analogy and the similarity will be carried, and what are the articles which should not be kept because they are similar to the articles in another shop, these are matters which it is very difficult to adjudge. I think, Sir, the courts will not be able to interpret this clause satisfactorily.

As regards the remark of my honourable friend who has just spoken that there is a danger that restaurants and places of public entertainment or amusement would be converted into little markets, we have considered this matter and therefore we have taken power to declare any such place as shops. As soon as we find that such bodies are taking advantage of there being no clause of this type, and are beginning to sell articles within their premises which are clearly outside the scope of their business, nothing will prevent us from declaring them as shops and bringing them within the purview of this measure. Sir, the result will be disastrous to the owners of those shops, and I doubt very much whether any such establishment will take the risk of being declared a shop, and being brought within the scope of this Bill.

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Mr. HUMAYUN KABIR: Sir, I agree with the Hon'ble Mr. Suhrawardy that the drafting of this clause is not very clear, and I think that along with him the members of the Select Committee must also share in the responsibility for the bad drafting. But at the same time, I do not agree with him that it is absolutely unintelligible. It does make sense and the intention is very clear although it has not been couched in a clear wording. The intention is to prevent places of public entertainment or amusement from keeping certain commodities for sale or, in other words, from transforming them into shops for the purposes of this measure. It is the sale of commodities like cigarettes or small drinks or even bigger drinks for which this clause is intended, and it may be that some of these establishments for public entertainment or amusement will sell these things not only within the premises but also to the public outside. To prevent the sale to people outside appears to be the intention of this clause. The person responsible for its drafting perhaps had in his mind a similar Act prevailing in England. There, within the premises of hotels and restaurants certain kinds of articles can be consumed, but you cannot take those articles outside the premises. That, I think, is the intention of this clause.

With regard to the other point suggested by the Hon'ble Mr. Suhrawardy, that with a view to preventing such outside sales he would declare the establishment of a shop for the purposes of this Act by an executive order, I think this is wrong in principle. It means that he would take matters like these outside the purview of the Legislature and have them remedied by an executive order of Government. Sir, when the Bill is before the House and we find that there is a defective drafting, it is far better that drafting amendments be made, and if they are made, I am sure you will permit them being moved here and accepted by the House. We should not, on principle, accept the idea

of Government's taking away the powers of the Legislature in this way and having such things done by the rule-making powers. This, I think, is nothing but an improper interference with the rights of the Legislature.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to point out in this connection that articles ordinarily to be sold in places of amusement are exempted from the operation of this Act. List of such articles are given in sub-clause (i) of clause 4 of this Bill, e.g., tobacco, cigars, cigarettes, *biris*, *pan*, etc. These articles are exempted from the operation of this Bill even outside the premises of amusement. Thus, the purpose for which my friend Mr. Mookerji wants to retain this clause will be achieved without this clause and I think it is absolutely unnecessary to have a provision like this. With these words, I support the deletion of this clause.

Mr. PRESIDENT: The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy, namely, that clause 11 will be omitted.

(The amendment was agreed to.)

Clause 12.

Mr. PRESIDENT: Clause 12 stand part of the Bill.

Mr. HUMAYUN KABIR: I beg to move that in clause 12 of the Bill, the following be added at the end, namely:—

“and in case of contravention of this provision, such employees shall be entitled to realise their wages under the provisions of the Payment of Wages Act”.

Sir, the purpose of this amendment is very simple. It is provided in the body of the Bill that all employees in shops and commercial establishments and other places shall be paid their wages by the 10th of every month. But there is no provision as to how this provision can be enforced. In many cases it may be that the payment will not be made. In such cases, it would not be possible for the employees to go to a Court of law in order to realise their arrears. It is not possible for labourers to do so and in their case this difficulty has been realised. That is why in the case of factories and other places of small business, the employees have been given the option of going to the Commissioner for payment of wages and making applications to him and he generally takes steps to realise any arrears of wages. My purpose in moving this amendment is to grant the same privilege to the shop assistants.

Mr. PRESIDENT: Amendment moved: that in clause 12 of the Bill, the following be added at the end, namely:—

“and in case of contravention of this provision, such employees shall be entitled to realise their wages under the provisions of the Payment of Wages Act”.

Mr. NARESH NATH MOOKERJEE: Sir, I wish to accord my fullest support to this amendment of Mr. Kabir. Sir, I suppose the Hon'ble Minister is aware that in commercial establishments which are not run by the European community—and in some cases even in such establishments—there have been several instances where petty clerks had had to sue the firms for money. I think, Sir, some provision of this nature should be incorporated in order that some relief could be given to these poor wage-earners whom we have practically excluded from the purview of this Bill.

I, therefore, support the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am not quite certain if in the Payment of Wages Act there is no provision for the extension of the provisions of the Act to any establishment that we want to apply it to. As a matter of fact, I considered the question of extending the Payment of Wages Act to some establishments run by the honourable member who has just spoken, but for the time being I have dropped it. On this question, Sir, if Mr. Humayun Kabir will refer to section 18, he will find that contravention of this section has been provided for and a person who contravenes this section is liable to be punished under section 18, sub-clause (2). Therefore, it is not strictly correct to say that there is no punishment or there is no penalty for any person contravening section 12. In view of this fact, I regret I have to oppose the amendment.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Humayun Kabir, namely, that in clause 12 of the Bill, the following be added at the end, namely:—

“and in case of contravention of this provision, such employees shall be entitled to realise their wages under the provisions of the Payment of Wages Act”.

(The amendment was negatived.)

Mr. HUMAYUN KABIR: Sir, I beg to move that after clause 12 of the Bill, the following new clause be added, namely:—

“12A. All wages payable in a commercial establishment to the clerks and bearers shall be regulated and disbursed on the same basis as adopted by the Government of Bengal in its Secretariat.”

Sir, this is an amendment for which also I do not think many words are needed. There is some protection no doubt for the persons employed in shops and commercial establishment or establishments for public entertainments in clause 12 of the Bill, but in the case of the petty clerks and bearers in banks and other commercial establishments, it is necessary that there should be a specific procedure laid down for the payment of wages to them. The procedure which is actually followed by the Government of Bengal has been found convenient to the Government, I am quite sure, and also to the persons concerned. If a similar procedure is applied to these banks, it will be giving real relief to a class of persons who are very much in need of it.

Mr. PRESIDENT: Amendment moved: that after clause 12 of the Bill, the following new clause be added, namely:—

“12A. All wages payable in a commercial establishment to the clerks and bearers shall be regulated and disbursed on the same basis as adopted by the Government of Bengal in its Secretariat.”

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to support the amendment moved by Mr. Humayun Kabir. Sir, anybody who has even a perfunctory acquaintance with the conditions of service under the commercial establishments, owned particularly by the Europeans in Calcutta and its suburbs, will testify to the fact that these conditions are as unsatisfactory and as miserable as they can ever be. The initial salary given to an employee is very small, regular increment is never encouraged, promotion on merit is hardly resorted to and security of tenure is never the rule in these establishments. I know of many cases where a graduate is employed in the first instance on Rs. 25 and does not get any rise in salary for 8 or 9 years. Such instances may be multiplied *ad infinitum*. Apart from these conditions of service again, these employees are also not certain of good treatment at the hands of their European superior officers. In fact, bad treatment of the clerks is a common feature in all these concerns. It is true, Sir, that there is a greater supply of, than demand for candidates for jobs in these concerns. But that is no reason why this helpless situation should be exploited as it is being exploited in the different commercial offices of Calcutta to-day.

I am not here raising the question of the virtual European monopoly of all superior offices in European establishments. I am not, Sir, asking the House to consider on this occasion if such monopoly should be allowed to continue. But I am asking the Legislature to intervene in respect of the conditions of service of the subordinate employees, as without such intervention their position is being worsened every day.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I could not follow the trend of the remarks of the honourable member who has just spoken. If he says that we should enquire into the conditions in the commercial establishments, I have already stated yesterday that I propose to do it. If he is objecting to the fact that there is no increment of pay from time to time, I do not know whether Mr. Humayun Kabir himself meant that by payment of wages being regulated and disbursed on the same basis as adopted by the Government of Bengal there should be a time scale of pay and conditions of service of that nature. But it is very gratifying to find, Sir, that a zemindar member of this House is accusing commercial establishments of smallness of pay, and of the fact that there are no increments of pay. I hope, Sir, the honourable member will apply the principle which he has enunciated on the floor of the House to his own concern.

I am opposing Mr. Humayun Kabir's amendment because I find it too vague and I am not quite certain whether it does not offend against clause 12 which says that all wages shall be paid by the tenth day of the month. I am not quite certain, although I have some connection with the Government of Bengal, as to what is the precise basis adopted by the Government of Bengal. But I think that commercial establishments will find it very difficult to apply whatever basis is applicable to a Government establishment.

Mr. PRESIDENT: The question before the House is: the amendment of Mr. Humayun Kabir, namely, that after clause 12 of the Bill, the following new clause be added, namely:—

“12A. All wages payable in a commercial establishment to the clerks and bearers shall be regulated and disbursed on the same basis as adopted by the Government of Bengal in its Secretariat.”

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 12 stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: Clause 13 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 13—

in sub-clause (a), for the word “eleven”, the word “twelve” be substituted and for the words “one month”, the words “fourteen days” be substituted; and.....

Mr. PRESIDENT: I think the second part should be moved as a separate amendment, because this latter part deals with clause (b). There are other amendments to clause (a) and I do not know whether they will be moved. So, I put the first portion first.

Amendment moved: that in clause 13—

in sub-clause (a), for the word “eleven”, the word “twelve” be substituted and for the words “one month”, the words “fourteen days” be substituted.

Mr. HUMAYUN KABIR: Sir, with regard to the amendment which has been moved by the Hon’ble Sir Bijoy Prasad Singh Roy, I think it can be divided into two parts. The first part is with regard to the period of continuous employment which he requires before a person employed in a shop or commercial establishment can be entitled to leave and the second part is with regard to the period of such leave.

Now, with regard to the first part, I think that the Hon’ble Mr. Suhrawardy will bear me out that there was a great deal of discussion about this matter and we went by the actual procedure in the city at the time. It was found out that at present after eleven months’ continuous service in many of the establishments employees are given privilege leave or some sort of leave. It is of course not quite regularised and there is no statutory basis for it; but the general idea is that if they work for ten or eleven months the employees are entitled to leave after that. Therefore, the Select Committee came to the conclusion that this should not be interfered with and that after every eleven months of continuous employment, they should be entitled to a certain period of privilege leave on full pay. I fail to understand what has happened since then to make the Government change its mind. The Government Bill itself was introduced several months ago. It was referred to a Select Committee and there has been a great deal of discussion outside and inside the Legislature with regard to the different provisions of this Bill. What is it that suddenly makes the Government decide to change from eleven months to twelve months?

Again, if you go by analogy in Government services, Government officers also, I believe, are entitled to leave after eleven months’ continuous service. For every eleven months’ service, persons in the superior service are entitled, if I am not mistaken, to two months’ privilege leave on full pay and persons who are not covered by superior service rules are entitled to a month’s privilege leave. Therefore, it is recognised that eleven months’ work entitles a person to one month’s holiday and I do not see any reason why in the case of shop assistants and employees in commercial establishments or establishments for public entertainment there should be a different principle.

Then, Sir, with regard to the other half of Sir Bijoy's amendment—would you take them separately or together?

Mr. PRESIDENT: I shall take them separately. The House is now considering only part (a) of the clause.

Mr. HUMAYUN KABIR: Then, Sir, I will deal with the second portion later on.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, if the period of 14 days is accepted, I do not think that it makes very great difference whether it should be eleven months and a half or twelve months. Actually, there may be something to say between eleven months and twelve months if we grant one month's leave, but the way in which we have proceeded to interpret this is that leave, casual or privilege, or leave of any kind given voluntarily, counts as service, and therefore it is not essential that twelve months' actual service should have been put in before a person shall get any leave inasmuch as his leave will be counted as service if taken within the period of service. If the other interpretation is correct, then it may just be that every single employee after a period of eleven months and a half may come up and demand his leave, and the employer will be bound to give him leave after eleven months and a half. Suppose, we start a shop and engage a number of employees, say, about 30 or 40, at a time, and as soon as eleven months and a half expire all the 30 or 40 men will come up and say "we must get our leave now, because we have earned it". It must then be given to them after eleven months and a half. In order to avoid such difficulties as these arising, and really because there is no great difference between eleven months and a half and twelve months, we have re-drafted the clause in this manner. Actually, we propose that leave should be given in the same manner as it would have been, had eleven and a half been put in there.

Now, there is one point which has been raised by Mr. Humayun Kabir which I may take this opportunity to clarify, viz., that there are some shops in which, say, one month's leave is given after ten months' service, some shops in which one month's leave is given after eleven months' service, and so on. Now, Sir, if there are some shops that do give more liberal conditions of service than are given under this Bill, which are really the minimum conditions of service which every shop must observe, then the rights of the employees of those shops that get better conditions of service will continue to be safe under clause 21. Therefore, so far as they are concerned, their rights will not be interfered with. I may point out here that I have received representations from the shop assistants giving expression to their fear that any provision in the Bill

regarding leave may induce the employers to cut down those amenities which they are enjoying at the present moment. Sir, we propose to take serious notice of any laches or of any attempt on the part of a shopkeeper to take advantage of this compulsory provision to cut down the privileges or amenities which the employees are now enjoying, and we shall attempt as far as lies in our power to safeguard their rights.

Mr. PRESIDENT: The question before the House is the—

Mr. HUMAYUN KABIR: Sir, you said that you would take the latter part of the amendment later and that you would give us an opportunity to speak.

Mr. PRESIDENT: No, that was about the other part, sub-clause (b).

The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy, namely, that in clause 13—

(1) in sub-clause (a), for the word "eleven" the word "twelve" be substituted and for the words "one month", the words "fourteen days" be substituted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that—

(2) after clause (b) the following proviso be inserted, namely:—

"Provided that—

- (i) privilege leave admissible under clause (a) may be accumulated up to a maximum of not more than twenty-eight days, and
- (ii) casual leave admissible under clause (b) shall not be accumulated."

Mr. PRESIDENT: Amendment moved: that—

(?) after clause (b) the following proviso be inserted, namely:—

"Provided that—

- (i) privilege leave admissible under clause (a) may be accumulated up to a maximum of not more than twenty-eight days, and
- (ii) casual leave admissible under clause (b) shall not be accumulated".

Mr. NARESH NATH MOOKERJEE: Sir, I rise to oppose this amendment, because it is definitely a retrograde provision which tends to make the conditions in which the clerks are working at present much more difficult than they are. In the first instance, the employer may not give any leave in two years. According to sub-section (1), the leave can be accumulated up to 28 days, and so the clerk may not be allowed to take leave for two years. Sub-section (2) certainly makes the whole position, particularly with regard to the employees of commercial establishments whose working hours are indefinite, very much difficult. I am surprised that an amendment of this character should have been introduced. It has entirely altered the character of the Bill. In the first place, the leave is being reduced and Government are giving the employers all chances of victimising their employees. This is really unheard of. Then again, the clerks in the commercial establishments could be made to work till 10 o'clock at night and the employers could not be penalised, while the employees are going to be penalised and will not get leave for two years. This is a state of things to which we cannot subscribe.

Mr. HUMAYUN KABIR: May I be permitted, Sir, to move a short-notice amendment to the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy?

Mr. PRESIDENT: Yes, provided Government have no objection.

Mr. HUMAYUN KABIR: Sir, I suggest that in the amendment which has been moved by the Hon'ble Sir Bijoy Prasad Singh Roy in the first sub-clause, in place of the words "twenty-eight days," the words "two months" be substituted. The effect of this would be that the privilege leave admissible under clause (a) may be accumulated up to a maximum of two months. That is the purpose of the amendment which I want to be incorporated.

Mr. PRESIDENT: I should like to have the opinion of Government with regard to this amendment. Is Government willing to accept it?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. HUMAYUN KABIR: If I am permitted to give my reasons, perhaps Government might be prepared to change their opinion, but without hearing me, it is not proper for Government to refuse to allow me to move my amendment.

Mr. PRESIDENT: If there is no serious objection from Government, I would like to permit Mr. Humayun Kabir to move his amendment.

Mr. HUMAYUN KABIR: Sir, to the amendment moved by the Hon'ble Sir Bijoy Prasad Singh Roy, I beg to move a further short-notice amendment that the words "twenty-eight days" be substituted by the words "two months". The object of my amendment is to enable shop assistants, particularly those who come to Bengal from other provinces, to have an opportunity of going to their homes after a certain period. When earlier, the Hon'ble Mr. Suhrawardy was speaking on the other part of this clause, he suggested as if the shop assistants, as a matter of right, would get leave whenever they wanted it. That, I think, is not the case, and the Bill does not provide that shop assistants can, as a matter of right, take leave. Even Government servants under the Government Servants' Conduct Rules, though they earn their leave and are entitled to have it, cannot take leave whenever they want to. They simply earn the leave but at the same time Government sometimes refuse to grant leave to their employees. Similarly, it may be that shop employers in certain cases may also refuse leave to their employees at a particular time. All that is provided in this clause is that they will be entitled to such leave within such period, but the granting of it will depend on the option of the employer. Now, the purpose of the amendment I have moved is to enable the employees to take advantage of these leave rules. At present, we have cut down the period from one month to fourteen days and there is a proviso that it can accumulate up to twenty-eight days so that in every two years they can either take the leave or it may be exhausted. If they have to go on leave after every two years, the expenses may be such that they cannot take advantage of the rules. They cannot afford to go home after every two years and consequently they have to lose a portion of their leave. If the employer is willing to grant leave and the employee is also willing to take it, he can go home for a fortnight every year; but, on the other hand, if he wants his leave to accumulate and wants to go home for a longer period, say, for a month or a month and a half, I do not see any reason why Government should prevent the employer, if he is willing, from giving this facility of long leave to his employee. The amendment of Sir Bijoy Prasad does not give any compelling power either to the employer or the employee in the matter of taking or granting leave. What I suggest is that there should be a permissive clause to allow the employee to accumulate his leave up to a period of two months, because that is a reasonable period in the case of a person coming from outside the province. I think, in view of these considerations Government will have no objection to accepting this amendment.

Mr. PRESIDENT: Amendment moved to the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy: that the words "twenty-eight days" be substituted by the words "two months".

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I see that Mr. Humayun Kabir does not accept the interpretation of Mr. Naresh Nath Mookerjee. Mr. Humayun Kabir thinks that by accumulation of leave an opportunity is afforded to the employee not to take leave for a number of years at his discretion, whereas Mr. Naresh Nath Mookerjee thinks that it gives opportunities to the employer to refuse the leave. I am afraid, on this question I have to agree with Mr. Humayun Kabir, and not with Mr. Naresh Nath Mookerjee, that we are introducing a liberal measure and not a retrograde one. Had not this amendment been put in, the employee would have been compelled to take his leave within the year, or his right to take leave would be exhausted. In order, therefore, to give him an opportunity to go home, say, for a period of twenty-eight days, we have put in this amendment.

• Mr. Humayun Kabir goes to the other side altogether and opines that the employee should be allowed to accumulate his leave for four years. One of the reasons why we have made a provision for leave in this Bill is that every one ought to take leave; he should not remain without leave for such a long period as four years because that will impair his efficiency. We think that employees ought to take leave at least once every two years, and that is the reason why we have not permitted the leave to be accumulated for more than two years. This is a liberal measure in so far as it permits the employee to accumulate his leave to a certain extent but it does not go so far as Mr. Humayun Kabir wants it to go. There is another point to which I should like to refer. If an employee is allowed to take twenty-eight days' leave, it is possible that a small shopkeeper or employer will be able to carry on his business without taking in a substitute in his place, but if he is allowed to take leave for two months, he may not possibly be able to carry on without the help of a substitute and this may put the employer in some difficulty. For these reasons, Sir, I am sorry I cannot accept Mr. Humayun Kabir's amendment.

Mr. PRESIDENT: I shall first put the amendment to the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy.

The question before the House is: that for the words "twenty-eight days", the words "two months" be substituted.

{The amendment was negatived.}

Mr. PRESIDENT: The question before the House is: that in clause 13, after clause (b), the following proviso be inserted, namely:—

"Provided that—

(i) privilege leave admissible under clause (a) may be accumulated up to a maximum of not more than twenty-eight days, and

(ii) casual leave admissible under clause (b) shall not be accumulated."

(The amendment was agreed to.)

Mr. HUMAYUN KABIR: Sir, I beg to move that after clause 13 of the Bill, the following clause 13A be inserted, namely:—

"13A. A person employed in a shop, commercial establishment for public entertainment or amusement who has been engaged to serve or has been in continuous service in such shop or establishment—

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. I would request you to give your ruling whether it is within the scope of the Bill or not.

Mr. PRESIDENT: Mr. Humayun Kabir, as regards your amendment, I would like to hear you before I decide whether it is in order or not. In the preamble it is clearly stated that the Bill is for regulating the holidays, etc. "Whereas it is expedient to regulate the holidays allowed to, the hours of work of.....", that is in the preamble, and in the Statement of Objects and Reasons provision has also been made for sick leave, for payment of wages and for payment of overtime work. The Bill seems not to provide for remedies for all kinds of the grievances of the employees. Will you please explain how your amendment will be relevant?

Mr. HUMAYUN KABIR: Sir, I beg to submit that this amendment is in order because we have here the question of regulation of holidays, hours of work, etc. But in addition to that, there is also the question of payment of wages. Payment of wages, I think, will also include the wages to which an employee may be entitled if he is dismissed suddenly or if he is suddenly deprived of employment. It is a break in the service. Leave also is included in the period of service, and there is provision for the payment of wages during periods of leave. When it is suddenly terminated, there would come in the question whether there should be any provision at all for the payment of wages in such circumstances, or whether the service will terminate suddenly, or whether his relationship will stop altogether, or whether his relationship will continue till there has been payment of one month's wages or whatever other provisions that might be accepted here. That was the reason, Sir, for which I table this amendment, and I submit that you will hold that it is in order.

Mr. PRESIDENT: In the Statement of Objects and Reasons, I find, it stated that the Bill "will afford very *necessary relief* to the

shop assistants." It is, therefore, clear that the purpose of the Bill is to afford relief to the shop assistants. Interpreting liberally, I think that the proposed amendment is not outside the scope of the Bill. So, I hold the amendment to be in order.

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to move that after clause 13 of the Bill, the following clause 13A be inserted, namely:—

"13A. A person employed in a shop, commercial establishment for public entertainment or amusement who has been engaged to serve or has been in continuous service in such shop or establishment for a period of not less than six months shall before dismissal, discharge or retrenchment be entitled to a months's notice or a month's wages in lieu thereof."

Sir, this amendment seeks to provide an element of security in the service of shop assistants or employees in commercial establishments which is lacking in this Bill. There are many provisions in this Bill which we have welcomed, but it has been one of the big lacunæ in the conception of this Bill that no attempt has been made to provide security of tenure to those who are employed in shops or in commercial establishments or other establishments of this type. Sir, it actually is the case that often a man has served for 15 years or 20 years. Then suddenly one fine morning, because there is some difference of opinion or disagreement with the employer, he is thrown out of court; he is dismissed without a moment's notice, and all his service for this long period of time is forgotten. Not merely that, Sir. It also makes him unable to find out a new avenue of employment at this late stage of his life. If there were any provision for notice or in lieu of that any provision for the payment of a month's salary, this would give an opportunity to such an employee to try and find out some employment for himself. At present he has no such security at all.

Besides, a provision like this would also act as a check on the employer before he dismisses a person arbitrarily and suddenly. I think, Sir, it is only meet and proper that after a man has worked as assistant in a firm for some time he should not be dismissed arbitrarily. It has not been suggested in the amendment that anybody who is an employee shall be entitled to notice. It has been suggested that an employee, who has been engaged for a period of six months or has served continuously for a period of six months, so that the employer has some idea about his capacity, his capabilities and about his willingness to work, will be entitled to notice. If he is unwilling to work, the employer can dismiss him. But, if for six months he has

been found to be satisfactory the presumption would be that the employer has had no reason to dismiss him in the past and he might have no reason to dismiss him in future without sufficient provocation and without sufficient cause. Therefore, Sir, I think some such provision is necessary in the Bill to provide for the security of tenure of employees.

Sir, one point which was raised in some discussion with regard to the idea of a clause like this was as follows: why should not an employer have the liberty of dismissing an employee without any notice? Why should not an employer have this liberty? Well, Sir, that is an idea which might have been popular in the nineteenth century and the State might have tolerated such things. But, to-day the State definitely lays down rules in other avenues of employment where a person cannot be dismissed off-hand, simply because he happens to offend his employer in a particular way. If he is dismissed for any of the causes specified in the Bill or on any actionable ground, there is no hardship on the employee. That is granted on all hands. But if it is a case where he is dismissed in a moment of passion or because for some reason or other in a fit of temper the employer dismisses him, the employee must have some safeguard.

I, therefore, Sir, move this amendment.

Mr. PRESIDENT: Amendment moved: that after clause 13 of the Bill, the following clause 13A be inserted, namely:—

“13A. A person employed in a shop, commercial establishment for public entertainment or amusement who has been engaged to serve or has been in continuous service in such shop or establishment for a period of not less than six months shall before dismissal, discharge or retrenchment be entitled to a month's notice or a month's wages in lieu thereof.”

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, this question was raised in the Select Committee and but for certain adverse comments made on it, it would have been passed. As a matter of fact, the Hon'ble Labour Minister is only too anxious to give maximum benefit to the labour—

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. Is it permissible to refer to what took place in the Select Committee?

Mr. PRESIDENT: It will be out of order to disclose in the House what transpired in the Select Committee.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: As a matter of fact, Mr. Humayun Kabir also spoke something about the Select Committee. Sir, the practice of paying wages in lieu of notice obtains everywhere in the offices managed by my honourable European Colleagues. The practice is there all over the world, even in second-class or third-class industrial countries. Weekly-paid men are given weekly notices; monthly-paid men are given monthly notices.

There is another important factor. It is only natural that when a man who has got to maintain a family gets a sack, he has to search for a job. He cannot get a job immediately. You must consider as to how he is going to manage to live before getting a fresh job. Therefore, I think the whole House should agree to this very important concession and the Government should accept the amendment.

Mr. NARESH NATH MOOKERJEE: I only hope, Sir, Mr. K. C. Roy Chowdhury is serious when he supports the amendment of Mr. Humayun Kabir. I certainly support this amendment, Sir, and feel that when you have already ruled that it comes within the scope of the Bill and that this is a measure which in your opinion is likely to ameliorate the conditions existing at present with regard to leave and wages, that Government would be kind enough to accept it also. Really speaking, I do not know whether I should appeal to the Government or to the European Group, but, Sir, I will certainly extend my appeal to both for acceptance of this amendment. It may be that it is in vogue already, it may be also that the existing law provides that every employee should be given a month's notice before discharge; but, Sir, I do not think it will do any harm if a clause of this kind is specially inserted in this Bill. It will add to the usefulness of the Bill and I think, Sir, that Government should accept it.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I support this motion only with a little amendment—if I may be allowed to move the amendment—viz., the word “dismissal” be deleted. My idea is that in the case of dismissal, the servants should not be allowed to get one month's pay or salary. If he is found guilty, then he should not get one month's salary or one month's notice. In that case, instead of being punished, the offender will be rewarded. None can demand such concession. But in other cases, in the case of discharge or retrenchment, I think a servant is entitled to get one month's notice or in lieu, one month's salary. May I move the amendment, Sir, with your permission?

Mr. PRESIDENT: No. I am afraid you are too late.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I regret I will have to oppose this amendment. If we accept this amendment, the effect would

be that we would be giving employees a reward for his bad behaviour. Suppose, a servant steals his master's goods. If this provision is enacted, he will be entitled to a month's wages or he will have to be retained by the employer for a month even after this behaviour. Again, if he deliberately mismanages the affairs of his employer, still before dismissing or discharging him the employer will have to retain him for at least a month with full pay. A servant giving a slap on the master's face cannot be dismissed at once but must be rewarded by a month's pay. This would be absurd. I think there is no reason why this should be allowed. In other words, in trying to give some benefit to the employee we are introducing needless difficulties in the way of employers. So, I oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after what has been said by Khan Bahadur Naziruddin Ahmad, I do not think it is necessary for me to offer any remarks in opposing this amendment. I may say that I have every sympathy with the mover. But the amendment is so vague that it would be unwise to insert a provision like this in the Bill. The Raja Bahadur of Nashipur himself finds a certain amount of difference between dismissal and discharge, and is of opinion that in the case of dismissal one month's wages should not be given. Further, the amendment is one-sided. If you require security for the employees, the employers also require some security. You will take away that security from the employers if this amendment is accepted. For these reasons I have no other alternative but to oppose it.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Humayun Kabir, namely, that after clause 13 of the Bill, the following clause 13A be inserted, namely:—

“13A. A person employed in a shop, commercial establishment for public entertainment or amusement who has been engaged to serve or has been in continuous service in such shop or establishment for a period of not less than six months shall before dismissal, discharge or retrenchment be entitled to a month's notice or a month's wages in lieu thereof.”

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 13, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 14.

Mr. PRESIDENT: The question before the House is: that clause 14 stand part of the Bill.

(The motion was agreed to.)

Clause 15

Mr. PRESIDENT: Clause 15 stand part of the Bill.

Mr. W. B. G. LAIDLAW: Sir, I beg to move that for clause 15 of the Bill, the following be substituted, namely:—

- “15. (1) Every shopkeeper and employer of an establishment for public entertainment or amusement shall for the purposes of this Act maintain such records and registers, and display such notices, as may be prescribed.
- (2) Every employer of a commercial establishment shall for the purposes of this Act maintain such records and registers as may be prescribed.”

With the elimination of clause 8, the question of overtime hours does not arise, and therefore it seems to us that it is not necessary to display any notices in commercial establishments. The House is perhaps aware that Insurance Companies and Banks depend to a large extent on their nature and amount of work, and we do not consider it proper in any case that unsightly notices should disturb the harmony of furnishing.

Mr. PRESIDENT: Amendment moved: that for clause 15 of the Bill, the following be substituted, namely:—

- “15. (1) Every shopkeeper and employer of an establishment for public entertainment or amusement shall for the purposes of this Act maintain such records and registers, and display such notices as may be prescribed.
- (2) Every employer of a commercial establishment shall for the purposes of this Act maintain such records and registers as may be prescribed.”

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I accept this amendment.

Mr. PRESIDENT: The question before the House is: that for clause 15 of the Bill, the following be substituted, namely:—

- “15. (1) Every shopkeeper and employer of an establishment for public entertainment or amusement shall for the purposes of this Act maintain such records and registers, and display such notices, as may be prescribed.

- (2) Every employer of a commercial establishment shall for the purposes of this Act maintain such records and registers as may be prescribed.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 15, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 16.

Mr. PRESIDENT: The question before the House is: that clause 16 stand part of the Bill.

(The motion was agreed to.)

Clause 17.

Mr. PRESIDENT: Clause 17 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for clause 17, the following be substituted, namely:—

- “17. Subject to the rules, an Inspector appointed under section 16 may, for the purposes of this Act and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, a shop or a commercial establishment or an establishment for public entertainment or amusement, with such assistants, if any, being servants of the Crown, and make such examination of that place and of any prescribed record, register or notice maintained therein, as may be prescribed, and may require such explanation of any prescribed record, register or notice as he may consider necessary for the purposes of this Act:

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself”.

Mr. PRESIDENT: Amendment moved: that for clause 17, the following be substituted, namely:—

- “17. Subject to the rules, an Inspector appointed under section 16 may, for the purposes of this Act and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, a shop or a commercial establishment or an establishment for public entertainment or amusement, with such assistants,

- if any, being servants of the Crown, and make such examination of that place and of any prescribed record, register or notice maintained therein, as may be prescribed, and may require such explanation of any prescribed record, register or notice as he may consider necessary for the purposes of this Act:

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself”.

The question before the House is: the amendment of the Hon’ble Sir Bijoy Prasad Singh Roy, namely, that for clause 17, the following be substituted, namely:—

- “17. Subject to the rules, an Inspector appointed under section 16 may, for the purposes of this Act and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, a shop or a commercial establishment or an establishment for public entertainment or amusement, with such assistants. if any, being servants of the Crown, and make such examination of that place and of any prescribed record, register or notice maintained therein, as may be prescribed, and may require such explanation of any prescribed record, register or notice as he may consider necessary for the purposes of this Act:

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself”.

(The amendment was agreed to.)

MR. PRESIDENT: The question before the House is: that clause 17, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 18.

MR. PRESIDENT: Clause 18 stand part of the Bill.

The Hon’ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for sub-clause (1) of clause 18, the following be substituted, namely:—

- “18. (1) Whoever contravenes any of the provisions of sections 5, 6, 7, 9 or 10 shall, on conviction, be punishable with fine

which, for a first offence, may extend to two hundred and fifty rupees and, for a second or any subsequent offence, may extend to five hundred rupees."

Mr. PRESIDENT: Amendment moved: that for sub-clause (1) of clause 18, the following be substituted, namely:—

"18. (1) Whoever contravenes any of the provisions of sections 5, 6, 7, 9 or 10 shall, on conviction, be punishable with fine which, for a first offence, may extend to two hundred and fifty rupees and, for a second or any subsequent offence, may extend to five hundred rupees."

Mr. HUMAYUN KABIR: Mr. President, Sir, I should have been more at ease if the Hon'ble Minister had explained the purpose of his amendment. In the original Bill clause it is suggested that persons who contravene these provisions may be liable to punishment which may extend up to six months or to a fine which may extend up to Rs. 500 or both. There is no compulsion that such persons shall be actually sentenced to imprisonment. They are only liable to imprisonment. But now I find that by the new amendment Government want to take away even the liability to imprisonment. In other words, Government do not want to face even the possibility that if there should be an employer who has contravened this provision, which Government themselves are bringing forward, he should be subject to any punishment beyond payment of a fine of Rs. 250, which in certain cases may be a very small punishment indeed. In the case of certain big employers probably Rs. 250 is nothing at all. I do not say that a big employer will necessarily be imprisoned, but the fear of imprisonment would probably act as a far greater deterrent to a big employer than the question of Rs. 250 or Rs. 500. For, to a big employer the indignities which would be attached to imprisonment would be a far greater deterrent than the actual loss of Rs. 250 as a result of this fine. I do not exactly oppose this amendment, but I would like to know what is the intention of Government in changing their mind in this way and bringing in an amendment which is much milder than the one which was first brought forward and which was allowed to go through the Select Committee.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I think Mr. Humayun Kabir's argument contains its own refutation. His question supplies the answer. My friend wants to know why the punishment has been milder. The answer is that it is so because the House believe that the provisions should be milder. This is the only reason. The change arose out of an amendment tabled by Mr. Nur Ahmed. He thought that the provisions should be more humane. These are, after

all, technical offences; and since we are creating new offences, we should allow people some time to get accustomed to them. We do not want to provide for any imprisonment, for it will not be a nice thing to send people to jail for mere technical offences. I believe we should put the screw tighter rather gradually. As people get educated to new habits and thoughts and as they know things better, they would appreciate the need for punishment better. It is no good bringing in by legislation which would be resented by the people. We want the co-operation of the people. That was the reason behind this amendment. Mr. Nur Ahmed's amendment was accepted by our party and the Hon'ble Minister-in-charge has also agreed. We thought that the provisions should be humanised and not made very harsh at the beginning. That is the reason behind the acceptance by the Government of this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Humayun Kabir knows that long long ago there lived an Emperor in Japan who, through the lips and music of Messrs. Gilbert and Sullivan, told us that the punishment must fit the crime. Sir, the crimes which we have made under these various sections are not such as to merit imprisonment. A fine of Rs. 250 extending up to Rs. 500 for each offence seems to us to be ample and to fit the crime.

Mr. PRESIDENT: The question before the House is: that for sub-clause (1) of clause 18 the following be substituted, namely:—

“18. (1) Whoever contravenes any of the provisions of sections 5, 6, 7, 9 or 10 shall, on conviction, be punishable with fine which, for a first offence, may extend to two hundred and fifty rupees and, for a second or subsequent offence, may extend to five hundred rupees.”

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (2) of clause 18 of the Bill, the figure and comma “11,” be omitted.

This arises out of the deletion of clause 11, and I think in the amendment proposed by the Government this was overlooked. So, I have taken the earliest opportunity of correcting it; it is simply consequential on the deletion of clause 11.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 18 of the Bill, the figure and comma “11,” be omitted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in sub-clause (2), of clause 18, for the words "simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both", the words "with fine which may extend to fifty rupees" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 18, for the words "simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both", the words "with fine which may extend to fifty rupees" be substituted.

(The amendment was agreed to.)

Mr. HUMAYUN KABIR: Sir, I beg to move that in clause 18 of the Bill, a new sub-clause (3) be added, namely:—

(3) Any employer discharging, dismissing or otherwise victimising an employee of any shop, commercial establishment or establishment for entertainment or amusement for giving any information leading to prosecution under sub-section (1) or (2) of this section, shall, on conviction, be punishable with rigorous imprisonment which may extend to six months, or with fine which may extend to rupees five hundred or with both, and shall pay compensation to the employee at the rate of one month's salary for each year of his employment."

Sir, when I first drafted this amendment I was more or less persuaded by the form of the clause which the Government itself had brought before us. The Government for a much lesser offence had suggested that the persons contravening the provisions of this Act shall be liable to a rigorous imprisonment of six months or to a fine of Rs. 500. But since then I find that after a perusal of the Mikado the Hon'ble Mr. Suhrawardy has grown humane and as a result, from rigorous imprisonment and fine of Rs. 500, he now thinks in terms of either no imprisonment at all or fines of either Rs. 50 or Rs. 250. Well, Sir, in conformity with this general humanising effect which seems to have overtaken the Government I may also be permitted to take out of the amendment the phrase with regard to rigorous imprisonment. If you permit me to do that I will have no objection. In that case I will take out the clause with regard to rigorous imprisonment.

Then, with regard to the other part of the amendment which I have moved, I think it again fills a lacuna which is present in the Government Bill. Government has made certain provisions for the punishment of persons who contravene some of the provisions of this Act, but

it has not made any provision with regard to employees who may be victimised in fulfilling some of the terms of this Act. If you look at section 18, you will find that it is only an employer who can contravene these provisions. An outsider cannot fail in the payment of wages in due time, an outsider cannot fail in the closing of shops. Therefore, it is in every case the employer who is kept in mind in sub-clause (1) and sub-clause (2) of clause 18 and my amendment only wants to add one further provision to that, namely, where an employer victimises an employee for giving information under the provisions of this very Act. An employer should not be penalised and lest he be penalised, there should be certain deterrent sentences upon the employer. It therefore, seeks to provide that in the case of conviction of an employer who has been guilty of dismissing, discharging or otherwise victimising an employee under the provisions of this very Act itself, he shall be liable to a fine which may extend up to Rs. 500.

I think, Sir, this is an amendment which does not require further argument.

Mr. PRESIDENT: Amendment moved: that in clause 18 of the Bill, a new sub-clause (3) be added, namely:—

“(3) Any employer discharging, dismissing or otherwise victimising an employee of any shop, commercial establishment or establishment for entertainment or amusement for giving any information leading to prosecution under sub-section (1) or (2) of this section, shall, on conviction, be punishable with rigorous imprisonment which may extend to six months, or with fine which may extend to rupees five hundred or with both, and shall pay compensation to the employee at the rate of one month's salary for each year of his employment.”

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I had given notice of almost a similar amendment. I certainly am fully in agreement with Mr. Humayun Kabir.

Mr. HUMAYUN KABIR: You go much further.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, probably in respect of compensation; otherwise it is the same.

My idea is that unless there is some penal clause against victimisation, the very object of this Act will be frustrated. Because, Sir, we know,—and it is within my personal knowledge,—that even in Government offices victimisation takes place and responsible Government officers are guilty of it. Responsible Government officers are accustomed to victimise their clerks on even mere suspicion. So, unless there is

something against stopping this sort of victimisation, the very object of this Act will be frustrated. But, Sir, at the same time as we have been proceeding very cautiously, it has been thought advisable by Government that we should not put in anything of this nature just now in this Bill. The whole question will, however, be very closely watched and, if necessary, afterwards a provision like this will be inserted. For that reason, Sir, I am not going to move my amendment. But I am in full sympathy with the object of this amendment.

Khan Bahadur NAZIRUDDIN AHMAD: I am afraid, Sir, there is a technical flaw in the draftsmanship of this amendment. The mere reading of a portion of the amendment will convince the House that it is so. It is said that persons on conviction shall be punishable with rigorous imprisonment which may extend to rupees five hundred. I beg to submit that imprisonment cannot extend to rupees five hundred. Apart from this technical difficulty, on merits too I have to oppose this amendment.

Mr. HUMAYUN KABIR: On a point of information, Sir. The honourable member was probably sleeping at the time I moved the amendment, because the printing mistake in the list was corrected by me when I moved the amendment.

Mr. PRESIDENT: He read it correctly. The Chair has also read the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: I submit, Sir, that it is not a point of information. My honourable friend has really given rather than sought it. Coming to the merits of the amendment, I believe that if we accept this clause, the effect will be to express a pious opinion. Suppose, a man is justly dismissed; the effect of the amendment will be that he would go to some authority and try to persuade him that he was victimised. The effect of this would be endless litigation and endless trouble, and trouble on both sides. I submit, Sir, that in these circumstances a clause like this should not be accepted. You have not defined the term "victimisation". It is an obscure expression and it would be difficult to interpret in a court of law when you think of a criminal prosecution. It is no good trying to provide against victimisation without defining it. It is further not easy to define it. As we acquire experience in the actual working of the Bill and know the defect and flaws, then it will be time to make provisions suitable to the needs disclosed. I think it is too early now to think of an amendment of this kind.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: With regard to the amendment of Mr. Humayun Kabir, I must say that perhaps he has not read the Factories Act nor does he know what evolution has been

effected by the accumulated experience of the working of the Factories Act. In fact, the Factories Act regulates the working hours and conditions of service of factory hands. Naturally, with the experience of the working of the Factories Act all over the world, there would have been some provision made as embodied in the present amendment, if found necessary. But there is no such provision in any Factories Act. If a man is victimised for giving out an information, there will at once be a strike.

Mr. HUMAYUN KABIR: Not in shops.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Why not? There is the Shop Assistants' Union who will at once move in the matter and cause a strike if victimisation is proved. Further, the employer will be sued for wrongful dismissal. For these reasons, and particularly because nowhere in the factory legislations of the world such an amendment as this one has been inserted, I would oppose the amendment.

Mr. NUR AHMED: Mr. President, Sir, at first sight, nobody can have anything but sympathy with the spirit of this amendment, but the amendment is from all practical points of view an impossible one. If this amendment is carried, it will open up the flood-gates of litigation, and will destroy the good relationship that subsists between the employer and his employees, between the shop-keeper and his assistants, to a great extent. Whenever there will be a case of dismissal, the dismissed man will come up and state that he has been dismissed for giving out an information. Who is to decide, Sir, as to whether his statement is correct or false? There is no tribunal to decide that. This clause would remain a dead letter unless a Trades Disputes Act is passed at the same time. Sir, I do not think that there is any necessity for this clause, and so I oppose this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: This amendment has certain good features and I sympathise with it. I think employers who by bullying their employees wish to avoid the provisions of this Act should be penalised for their acts. At the same time, I think that we should first see how this Act works before we put in such a drastic amendment. I am further of opinion that a clause like this may be a little bit confusing. I have known of instances when persons who have been dismissed for very adequate reasons have come up to us and asked Government to intervene on the false statement that they have been dismissed or have been victimised for joining a union. Here also similar instances may very well arise and I am considering whether in order to settle disputes under this Act, we should not devise some

machinery similar to that under the Trade Disputes Act. That is however a matter for the future. For the time being, I have to oppose this amendment.

Mr. PRESIDENT: The question before the House is the amendment of Mr. Humayun Kabir: that in clause 18 of the Bill, a new sub-clause (3) be added, namely:—

“(3) Any employer discharging, dismissing or otherwise victimising an employee of any shop, commercial establishment or establishment for entertainment or amusement for giving any information leading to prosecution under sub-section (1) or (2) of this section, shall, on conviction, be punishable with rigorous imprisonment, which may extend to rupees five hundred or with both, and shall pay compensation* to the employee at the rate of one month’s salary for each year of his employment.”

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 18, as amended, stand part of the Bill.

(The motion was agreed to.)

Clauses 19, 20 and 21.

Mr. PRESIDENT: Clauses 19, 20 and 21 stand part of the Bill.

The question before the House is: that clauses 19, 20 and 21 stand part of the Bill.

(The motion was agreed to.)

Clause 22.

Mr. PRESIDENT: Clause 22 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (2) (a) of clause 22 of the Bill, for the words “in respect of” in line 1, the words “on account of” be substituted.

Sir, these are only verbal changes.

Mr. PRESIDENT: The question before the House is: the amendment of Khan Bahadur Naziruddin Ahmad, viz., that in sub-clause (2)(a) of clause 22 of the Bill, for the words “in respect of” in line 1, the words “on account of” be substituted.

(The amendment was agreed to.)

Mr. W. B. G. LAIDLAW: I beg to move that in paragraph (b) of sub-clause (2) of clause 22, of the Bill, the comma and words, “ , commercial establishments” occurring in line 3, be omitted.

I also beg to move that in paragraph (b) of sub-clause (2) of clause 22 of the Bill, the words, brackets and figures “sub-section (1) of section 8” occurring in lines 7 and 8, be omitted.

I further beg to move that in sub-clause (2) of clause 22 of the Bill, paragraph (c) be omitted.

Sir, these are all consequential amendments and may be accepted.

Mr. PRESIDENT: The question before the House is the three amendments of Mr. W. B. G. Laidlaw, viz.:—

- (1) That in paragraph (b) of sub-clause (2) of clause 22 of the Bill, the comma and words, “ , commercial establishments” occurring in line 3, be omitted.
- (2) That in paragraph (b) of sub-clause (2) of clause 22 of the Bill, the words, brackets and figures “sub-section (1) of section 8” occurring in lines 7 and 8, be omitted.
- (3) That in sub-clause (2) of clause 22 of the Bill, paragraph (c) be omitted.

(The amendments were agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 22, as amended, stand part of the Bill.

(The motion was agreed to.)

Preamble.

Mr. PRESIDENT: The Preamble be added to the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for the Preamble, the following be substituted, namely:—

“to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and the establishments for public entertainment or amusement”.

Mr. PRESIDENT: Amendment moved: that for the Preamble, the following be substituted, namely:—

“to regulate the hoildays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and the establishments for public entertainment or amusement”.

The question before the House is that for the Preamble, the following be substituted, namely:—

“to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and the establishments for public entertainment or amusement”.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the Preamble, as amended, be added to the Bill.

(The motion was agreed to.)

Long Title of the Bill.

Mr. PRESIDENT: The Long Title be added to the Bill.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: I beg to move that for the Long Title, the following be substituted, namely:—

“to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and the establishments for public entertainment or amusement”.

Mr. PRESIDENT: Amendment moved: that for the Long Title, the following be substituted, namely:—

“to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and the establishments for public entertainment or amusement”.

The question before the House is the amendment of the Hon'ble Sir Bijoy Prasad Singh Roy, namely, that for the Long Title, the following be substituted, namely:—

“to regulate the holidays, payment of wages and leave of persons employed in shops, commercial establishments and establishments for public entertainment or amusement and the hours of work of persons employed in shops and the establishment for public entertainment or amusement”.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that the Long Title, as amended, be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bill, as settled in the Council, be passed.

Sir, I desire to congratulate the honourable members for the expeditious manner in which they have dealt with the provisions of this Bill. It is a major Bill which is being awaited with a great deal of interest by the persons who will be affected by the various clauses of this Bill. It is a lesson to Government also, and we shall do well to initiate Bills of this type in this House, after the excellent reception we have received here.

Mr. PRESIDENT: Motion moved: that the Bill, as settled in the Council, be passed.

Mr. RANAJIT PAL CHAUDHURI: On a point of order, Sir. I do not think that the Bill can be passed to-day having regard to the procedure laid down by you that if there is objection, a Bill, as settled in the House, cannot be passed on the same day. Sir, we want a day for putting forth our views on the Third reading:

Mr. PRESIDENT: Under sub-section (2) of section 67 of our Rules, any member may raise an objection as regards the passing of a Bill at the same sitting unless, of course, the President exercises his power to suspend the rule and allows the motion that the Bill be passed. But if there is objection from the principal Opposition, I shall not take up the motion to-day.

Mr. Mookerjee, is that the view of your party?

Mr. NARESH NATH MOOKERJEE: Yes, Sir.

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 14th August, 1940.

Members absent.

The following members were absent from the meeting held on the 13th August, 1940:—

- (1) Mr. Kader Baksh.
- (2) Rai Bahadur Keshab Chandra Banerjee.
- (3) Khan Sahib Abdul Hamid Chowdhury.
- (4) Mr. Narendra Chandra Datta.
- (5) Mr. Kamini Kumar Dutta.
- (6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
- (8) Maulana Muhammad Akram Khan.
- (9) Sir T. Lamb.
- (10) Dr. Radha Kumud Mookerji.
- (11) Rai Bahadur Radhica Bhusan Roy.
- (12) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 14th August, 1940, at 2-15 p.m. being the eleventh day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Encashment of currency notes.

66. Mr. K. C. ROY CHOWDHURY: (a) Is the Hon'ble Minister in charge of the Finance Department aware that there has of late been a panic and confusion among the public for encashment of currency notes? If so, what is the reason for that and what measures Government have taken or intend to take to remove this feeling of uneasiness and anxiety on the part of the public?

(b) Is it a fact that there is a standing law in India penalising those who illegally charge commission at the time of encashing currency notes?

(c) Is it a fact that some merchants and *mahajans* are carrying on this illegal practice taking advantage of this confusion among the illiterate public?

(d) Is it a fact that they are charging a commission of annas 8 for encashing a five-rupee note and Re. 1 for ten-rupee note in Naldi Bazar, Brahmandanga *hat*, Mithapur *hat*, Lohadanga police-station, Pazarkalia *hat*, Suraspur *hat*, Rupganj *hat*, Narail police-station, Bunagati *hat*, Salkia police-station, in the district of Jessore?

(e) If the answers to clauses (b) and (d) be in the affirmative, what steps have the Government taken or intend to take to prevent this practice and remove this confusion among the public?

(f) Will the Hon'ble Minister be pleased to inform the House how many times did the District Magistrates, Police Superintendents and Deputy Superintendents of Police of Jessore and the Subdivisional Officers of Narail and Magura investigate into the marketing conditions of the above-mentioned *hats* and *bazars*, and what measures did they take to remove the panic among the public due to the war conditions?

(g) When were these places inspected and what was the result of the inspection?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Government are aware that a good deal of inconvenience was recently occasioned to the public by the shortage of metallic currency caused by the withdrawal of coin from circulation for purposes of hoarding. The inconvenience has abated as a result of continuous minting of rupees, the issue of one-rupee notes and the minting of small coins by the Government of India.

(b) The charging of commission is punishable under rule 90 of the Defence of India Rules.

(c) and (d) Government will be glad to receive specific information which will enable them to prosecute.

(e) District Magistrates have been directed to take prompt action in cases where local traders refuse to accept notes at their full value.

(f) and (g) The information is not readily available and will take time to collect.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister be pleased to state if Government is definitely aware that actual hoarding is taking place?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, that is our information.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister be pleased to state if it does not come under rule 90 of the Defence of India Rules?

The Hon'ble Mr. H. S. SUHRAWARDY: That is a matter of interpretation. Certainly, hoarding has caused a great deal of inconvenience to the public and may be considered to be a prejudicial act.

Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state if he is aware that even one-rupee notes are refused in certain quarters?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, such information has not yet come to us.

Improvement of Chhatna-Alijhara Road.

67. Rai Bahadur MANMATHA NATH BOSE: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the allotment from the Motor Vehicles Taxes made to the District Board of Bankura during the last three years?

(b) Are the grants from the Motor Vehicles Taxes to the said District Board utilised for the improvement of those roads where there are heavy bus services?

(c) How much has been spent for the improvement of the Chhatna-Alijhara Road out of the above allotment?

(d) Is it a fact that several motor services are running regularly on the Chhatna-Alijhara Road for the last ten years?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Rs. 24,363 in 1937-38, Rs. 25,302 in 1938-39 and Rs. 37,231 in 1939-40.

(b) to (d) During the last two years it has been the practice for local bodies with the exception of some small municipalities to obtain my approval of projects which they proposed to finance from their share of the proceeds of the Motor Vehicles Tax, but I have not thought it necessary to ask them for details of the traffic on the roads with which they proposed to deal. I have not been asked to approve of any project in connection with the road referred to by the honourable member.

Bridge over the Cossye river.

68. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

- (a) if the construction of the bridge over the Cossye river at Midnapore has been undertaken, and if so, when;
- (b) whether any contractor has been appointed for the purpose;
- (c) if the answer to clause (b) be in the affirmative, whether the contractor is a Bengali or a non-Bengali;
- (d) whether tenders were invited; on what principle the contractor has been selected and by whom; and
- (e) whether the Government have come to any decision regarding compensation to the Midnapore Municipality which will suffer a heavy loss; if so, what is the decision?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) Yes; work was actually started in August, 1939.

(b) Yes.

(c) Bengali.

(d) The answer to the first part of the question is in the affirmative. The principle was that of accepting the best tender after taking into

consideration the main features, such as cost, capabilities of the contractors, time of construction, etc. The tender was accepted by the Chief Engineer after consultation with me.

(e) Government have decided that no compensation should be paid to the Midnapore Municipality for the loss of income consequent on the construction of the bridge as the inhabitants of the municipal area will benefit largely from the bridge and this benefit will more than outweigh the slight decrease in their municipal income.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state how the Municipality will be benefited by the construction of this bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it will mean greater facility for traffic to the Municipality and from the other side of the river than a ferry.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state if it is not a fact that the Municipality get from Rs. 4,000 to Rs. 6,000 a year from the ferry tolls which they will lose by the construction of this bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I may point out to the honourable member that the amount which the Municipality get from ferry receipt should not be treated as an income of the Municipality. That income was made over to them by Government for the maintenance of the ferry.

Rai Bahadur MANMATHA NATH BOSE: Is it not practically the same? Is it not a fact that the Municipality will lose the benefit of the ferry tolls which they have been getting for some years past?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I assume, Sir, that the honourable member wants Government not to proceed with the construction of the bridge as it will be of no use to the Municipality.

Mr. RAHAJIT PAL CHAUDHURI: Will the Hon'ble Minister be pleased to state the name of the contractor?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think it is the Hindusthan Construction Company.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state if he is aware that the Municipality objected to the construction of the bridge on account of the loss which the Municipality is likely to suffer?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not quite sure about that. But even if it did, I think the benefit which the local areas of the district will get as a result of the construction of the bridge will outweigh the small loss which the Municipality may have to sustain.

Notice of Motion regarding the Bengal Co-operative Societies Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice that I intend to move at the current session of the Legislative Council that the Bengal Co-operative Societies Bill, 1940, as passed by the Bengal Legislative Assembly, be taken into consideration by the Council and that the Bill, as settled in the Council, passed.

I beg further to request that I may kindly be permitted to move the motions at short notice at the meeting of the Council on the 19th August, next.

I may explain, Sir, that I have put down 19th August as the date for moving short-notice motions, just to give an opportunity to the honourable members of a preliminary discussion, should they so desire and should that suit your pleasure. The consideration of the Bill, clause by clause, may take place on and from the 27th August, 1940, after the honourable members have had sufficient time to consider the Bill and put in their amendments.

Mr. NARESH NATH MOOKERJEE: I do not know what the Hon'ble Minister means by preliminary discussion. Does he refer to the first reading of the Bill?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Mr. NARESH NATH MOOKERJEE: Sir, it is a very important measure. In the Lower House it was very elaborately gone into and Government gave all facilities to the members there in the matter of tabling their amendments.

Mr. PRESIDENT: The Hon'ble Minister proposes that the Bill may be taken up for discussion, clause by clause, on the 27th August, which means an interval of 13 days from to-day. So, if the honourable

members who desire to give notice of amendments send in such amendments by the 20th of this month, that will give them clear six days' time.

Mr. AMULYADHON ROY: That is not possible.

Mr. PRESIDENT: What is not possible? How many days do you want for giving notices of amendments?

Mr. AMULYADHON ROY: We want ten days, Sir.

Mr. PRESIDENT: Rule 79 of the Bengal Legislative Council Procedure Rules says that any member may, after giving seven days' notice or with the consent of the President at shorter notice, move as an amendment either that the Bill be referred to the Committee of the whole Chamber or to a Select Committee or be circulated for the purpose of eliciting opinion thereon. So, only seven days' notice is necessary when Bills come from the Lower House for consideration.

Mr. NARESH NATH MOOKERJEE: Are we to understand that the amendments for circulation or reference to Select Committee have to be given within seven days and that the other amendments will follow thereafter?

Mr. PRESIDENT: Seven days' notice will include all amendments for reference to Select Committee, for circulation as well as to the clauses of the Bill.

Mr. HUMAYUN KABIR: The amendments relating to circulation or Select Committee may be thrashed out on the 19th August and after the motions are disposed of one way or the other, we will know what is to be done. If the motions are thrashed out by the 19th, time up to the 23rd August may be allowed for tabling amendments to the clauses and that will give three or four days' time for the Council office to arrange and print up matters, so that the Bill may be taken into consideration on the 27th August.

Mr. PRESIDENT: I understand that the honourable members suggest that for giving notices of amendments the House will require four or five days' time and that they will require four or five days more from the 19th August. But Mr. Roy's point is quite different; he wants ten days for giving notices of amendments.

Mr. NARESH NATH MOOKERJEE: The Hon'ble Minister has stated that he does not want detailed discussion to take place till the 27th August and in that view we may be permitted to send in our amendments up to the 25th August.

Mr. PRESIDENT: From the 14th to the 25th means eleven days and then you must allow my office a few days more to consolidate and print up the amendments.

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable members may also allow Government a few days in order to enable them to consider the amendments suggested.

Mr. NARESH NATH MOOKERJEE: Sir, we have no objection to the 23rd of August being fixed for sending in notices of amendments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: What I submit is this: as has been pointed out by my friend, Mr. Humayun Kabir, if the preliminary discussion can be finished on Monday, the 19th August, then, Sir, discussion on the clauses can be taken up on the 27th August. There is nothing to prevent the honourable members from tabling amendments up to the 20th or the 21st of August. In that case, office will have sufficient time to get those things put in proper form and we will also have some time to consider the amendments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I suggest that time up to the 20th of August would be sufficient for notices of amendments both for preliminary discussion as well as for detailed discussion on the clauses being given. I think, Sir, six days ought to be sufficient for this purpose. The matter has been before the public for some time now and I assume that the honourable members who are interested in this measure have already given their thought to this question.

Mr. PRESIDENT: I think the House is anxious to get this Bill passed during the current session, if possible. Considering all things, I would suggest that amendments for circulation or Select Committee should be given notice of by the 17th August. Then the last day for giving notice of amendments on clauses will be till the 21st August. That gives clearly seven days' time.

The House will now resume consideration of the motion of the Hon'ble Mr. Suhrawardy that the Bengal Shops and Establishments Bill, 1939, as settled in the Council, be passed.

The Bengal Shops and Establishments Bill, 1939.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion, and in doing so I must thank Mr. Humayun Kabir for initiating the idea of regulating the hours of work for the shop assistants by his original Bill of which the present Bill is the successor. It was his splendid idealism that conceived the plan and we are indebted to him for being able to place on the Statute Book this very good Bill. It will mean a great deal of relief to shop assistants and others, and will be the beginning of many more good things to come. Although he would have been satisfied with much more than what has been given, I think the Bill is a very good beginning and he should be satisfied with what has been given as a first instalment.

Sir, with regard to the clauses, I think it is necessary for us to refer to the deletion of clause 8. Regarding this clause, our position is that shops are a class quite apart and absolutely distinct from commercial establishments which are not shops. The evils in a shop have been attempted to be cured by fixing certain hours of work everyday. A certain maximum period has been fixed of which a clear notice should be exhibited in each shop, and violations can thus be easily detected on the spot and dealt with very effectively. It has also been provided that shops must close at 8 p.m. with half an hour's margin for customers who are already in the shop. With regard to the enforcement of the provisions relating to shops, it is extremely easy to do so because any man living near about a shop can at once see whether it has been kept open too long or whether it has been kept open beyond 8 p.m. or 8-30 p.m., as the case may be. With regard to commercial establishments, it is obviously impossible to provide a maximum daily period, and opening and closing hours for each day. Clause 8 and other subsidiary clauses do not even attempt to do so. Commercial establishments have sometimes little or no work, and sometimes they have to work very hard. They have to deal with and tackle problems which arise by fits and starts. There is a lot of alteration between comparative inaction and overwork. So, regular daily hours for a commercial establishment of that type it would be impossible to provide. It was, therefore, provided by clause 8 that they should be given a monthly total number of working hours and some extra hours for rush period and rush work. That was the attempt. Now the difficulty in all this, so far as we are concerned, is this: that it is very difficult to prove infringement. On a particular day a commercial establishment may work extra hours. That is not prohibited. You will have to wait till the monthly total is exceeded. You will have to remember that there are a large number of commercial establishments of a variety of types and forms dealing with various complex problems. In dealing with them you will have to depend on the monthly total

and you can only do so by referring to their registers. Otherwise, it would be impossible to find out whether there has been any infringement or not. The effectiveness of a prohibition depends on easy detection and proof of infringement and the punishment therefor. If you have to rely on their books, the difficulty would be that it would bring trouble. There are good and honest businessmen, and businessmen who are just the reverse of it. If you rely on their books, then the difficulty will be that honest businessmen, who would not exceed the monthly total, will be bothered and troubled unnecessarily. The Inspectors will intrude upon them with many attendant evils. With regard to dishonest businessmen, they will work extra hours and manipulate their books. Their books will never show any violation. Now, this will lead to endless trouble. Clause 8, therefore, cannot prevent the mischief. That is the position of our Party. There is, of course, the other side of the shield. There are evils in commercial establishments which are not clearly known to us, though there are some which are broadly known, and there were some of us who thought that clause 8 should be retained. After a great deal of anxious consideration, the Party came to the conclusion that there are evils which require solution. There is no doubt about that in our mind and we are unanimous in that opinion. But clause 8, as many of us think, will not be able to cope with the evil. The evils in commercial establishments are not uniform. Each business or class of business is a problem by itself and would probably require special treatment. The problem, therefore, requires detailed study and critical consideration. The business houses will have to be taken into consideration and also into our confidence. Their problems will have to be studied and their co-operation will be necessary. In fact, if we rush through clause 8, the difficulty would be that we would be putting many honest businessmen to trouble and we would thus lose the advantage of co-operation of the honest business public while the wily and the elusive class will escape. So, in these circumstances it would be far better to wait for sometime and gain some experience and then start a fresh legislation really suited to commercial establishments. These were in brief some of the reasons which have induced us to agree to the deletion, and the Hon'ble Minister also agreed to it.

Now, Sir, coming to the other clauses of the Bill, there are still a few passages which require deletion consequent upon the deletion of some clauses. In fact, we have been working very hard, the whole Party was working at a high pressure, and still it must be confessed that we have up to this time not been able to do our work very thoroughly. In fact, the Government amendments were not thorough. I have pointed out one or two such instances during the consideration of the clauses. But, I think, the deletion of clause 8 has not been followed up by consequential deletions. I think it is too late to move an amendment

to that effect, but I believe it is open to the Secretary to correct them. It would be profitable to mention here the clauses which require further deletion to bring the Bill into line with the deletions already agreed to. I refer to clause 22, sub-clause (2) (b). I suggest that the Secretary should delete the following words:—(Mr. SHREISH CHANDRA CHAKRAVERTI: How can that be?) It can be done in this way. This is a consequential amendment, a purely formal amendment. Under the rules the Secretary can make these changes. If it cannot be done, I shall certainly withdraw, but I believe, it is open to the Secretary to correct it. I think it would be better for the House to hear what the troubles is. I suggest that the words “sub-section (1) of section 8” occurring in lines 7 and 8 of clause 22—

Mr. W. B. G. LAIDLAW: On a point of information, Sir. That was the amendment which I moved yesterday and it was accepted.

Khan Bahadur NAZIRUDDIN AHMAD: I am grateful for the correction. If it is already done, it is not required. My oversight was due to the high pressure under which we were working. But by pointing out a supposed error in the Bill, I was just beginning to please my Congress friends. I am very sorry that the disclosure by Mr. Laidlaw has deprived me of the happiness of pleasing them. They would have been very happy if there was some mistake somewhere in the Bill. The explanation given by Mr. Laidlaw, I think, has very much disappointed my friends. During the consideration of the clauses, we did not move most of our amendments and this very much puzzled my friends of the Opposition. The reason was that the amendments of our party as well as those of all others were carefully considered by the Party with the Hon'ble Minister in charge. The result was that they were blended into a series of revised amendments moved through the Hon'ble Leader of the House. In this case, I find the Congress amendments were very scanty. There was nothing to feel glorious about, there was no element of excitement in this Bill and no grandiloquent passages to indulge in. That is why this humble Bill did not attract so much attention from Mr. Das as other Bills and subjects have done. So, if my friends had carefully considered the Government amendments, they would have found that these amendments were mere re-drafts of some of our own amendments and of a few others of the European members. Sir, that is the reason why we did not move our amendments. You will be pleased to find, Sir, that amendments to clauses 2, 4, 5, 9, 11, 13, 17 and 18—most of these amendments are merely reconsidered drafts of our amendments. For these amendments, credit must go to the European members and to our Party and specially to Mr. Nur Ahmed who has worked much for this Bill, and of course some credit goes to a new member from the Congress Benches who is, I am happy to find,

taking much interest in his work. I submit, Sir, that our failure to move these amendments was not due to weakness or to a consciousness that they are wrong or bad, but it was due to the superior consciousness that our amendments had been accepted by Government and put forward by them in a revised and better form as a result of our careful consideration and concurrence thereto.

With these few words, I submit, Sir, that the Bill marks a great advance. Though some of my idealist friends would like to have a more advanced Bill, I submit, the Bill as a whole marks a great advance. It makes a good beginning, and I venture to think it contains within it the seeds of a great future. With these few words, I support the Third reading of the Bill.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, it hardly falls to the lot of the Opposition to see eye to eye with most of the measures of Government. It is one of those rare occasions when we are in a position to congratulate the Hon'ble Minister in charge of the Bill for having successfully piloted it in this House with the least possible delay. Sir, we are in agreement with the principles of the Bill. In fact, Congress Governments have passed similar Bills long ago. The present Bill is founded on the Bombay Act.

Mr. HUMAYUN KABIR: No, No; my Bill was not withdrawn.

Mr. LALIT CHANDRA DAS: The principles of the Bill were enunciated from this side of the House in a Bill which was sponsored by my friend, Professor Humayun Kabir, and I remember, it was the Hon'ble Minister for Labour who requested Mr. Kabir to withdraw the Bill on a promise that a similar Bill would be brought by Government. That led Mr. Kabir to withdraw his Bill—

Mr. HUMAYUN KABIR: No, No; my Bill is not withdrawn.

Mr. LALIT CHANDRA DAS: But I can say that that led Mr. Kabir to agree to the Government bringing in this Bill. Therefore, I would say that Mr. Kabir may take pride that some of the provisions of his Bill are, in a way, being given effect to by this measure. Khan Bahadur Naziruddin Ahmad has said that we put in a large number of amendments to any and every Bill but we have not done so with regard to this Bill except some by Mr. Roy Chowdhury. Sir, we look upon the duties of the Opposition in quite a different light. We do not stand here for the sake of opposition only, but when we oppose, our opposition is based on reason, justice and fairplay. We may be outvoted but never out-argued and nothing can deter us from the course

we think we should adopt in connection with any measure. But a curious thing has happened in connection with this Bill, namely, that although a very large number of amendments have been tabled by Khan Bahadur Naziruddin Ahmad and Mr. Nur Ahmed of the Coalition Party, they have either not moved them or have withdrawn them as readily as they had given notices of them. Before doing so or assuming the role opposition, they ought to have remembered that a cooing dove can hardly become a fighting cock.

Sir, the provisions of this Bill may effect some amelioration of the condition of a very large body of labourers in the shops in Calcutta and Howrah, for after all, it is only an experimental measure to be applicable to Calcutta and Howrah for the present. It will be found that there are wholesome provisions in the Bill which will come as a relief, viz., the payment of wages on a fixed date and the fixation of the hours of work and the days of leave. We would have been more happy, Sir, if hours of work were also fixed in respect of the employees in the commercial establishments, but the Hon'ble Mr. Suhrawardy has given us to understand that he will seek information first, gather them and study them; and then he will bring in a measure in March next. Sir, so far as the European commercial establishments are concerned, the Hon'ble Minister has told us that there is hardly any room for complaint by the employees, for the employees do not work there for more than 208 hours in a month. At the same time, the Hon'ble Minister has given us to understand that there are other commercial establishments in this city, mostly owned by the Marwaris, and we now know, Sir, why the European community is so anxious that section 8 must go for the present. The fact is that although in the European establishments the hours of work go below 208 hours in a month, the hours of work in Marwari commercial establishments go far above that figure; and because the Marwaris are nothing but the agents of the Europeans, the latter want to save the former and that is the reason why there is no relief in the case of the employees in the Marwari commercial establishments. After all, work carried on in the Marwari commercial establishments is work that will benefit the Europeans in the long run; and that was why the European Group insisted that the provision regarding the hours of work need not be gone into for the present. The Hon'ble Minister, however, has promised to collect information and bring in a Bill in March next for regulating the hours of work in commercial establishments also.

Sir, there is another point to which I should like to refer. The working time clause has been put in and carried by Government; we have not been quite satisfied with the definition of the term "closed". The clause is to the effect that an establishment will not deal with customers when they come after due hours but the shutters may remain

open. We have some apprehension and suspicion that if the shutters remain open in any shop or establishment, it will enable customers to come in and there may be clandestine sale of goods beyond the hours fixed by the statute.

Then, Sir, there is the other and last point which I should like to touch upon. It is a matter which found a place in the amendment moved by my friend, Mr. Humayun Kabir, but this has not been accepted by Government. There should have been a provision for the purpose of compensating persons illegally dismissed or discharged by giving them at least a month's notice or a month's wages. This has not found a place in the Bill because there was some mistake in its wording for which reason it was opposed by the Hon'ble Minister and subsequently thrown out. We would be happy if in a subsequent legislation the Hon'ble Minister will take note of it and see that in the case of wrongful dismissal or discharge, the employee gets at least some compensation, say, a month's notice or a month's wages. On the whole, Sir, the provisions contained in the Bill will certainly go a long way to give some sort of relief to a large body of employees, and for this, Sir, I offer my congratulations to the Hon'ble Minister, and support the Third reading of the Bill.

Mr. J. B. ROSS: Mr. President, Sir, I rise to support the motion now before the House. I think the remarks of Mr. Lalit Chandra Das may have given the Hon'ble Minister an idea under which he might introduce another Bill in the next session for the protection of European firms who are oppressed by their Marwari agents. That there has for some time been a pressing demand for legislation to regulate the hours of persons employed in shops is generally known and the members of the European Party are of opinion that the Bengal Shops and Establishment Bill, 1940, as settled in this House, is an admirable answer to that demand.

From the amendments moved and comments made by the Opposition, and particularly by my honourable friend Mr. Humayun Kabir, it might appear a fanciful extravagance on my part to suggest that the Bill has throughout had the strongest possible support of a large number of employers to whom its provisions will apply, but I am in a position to state with authority that this is the case and that the Calcutta Trades Association, the largest Association of employers of shop assistants in Bengal, have declared themselves to be in full sympathy with the objects of the measure and to be strongly in favour of its finding a place in the Statute Book of the Province.

Since the commencement of Provincial Autonomy and in respect of legislation for the welfare of the employees, there has at times been a tendency on the part of members of the legislatures and sometimes on

the part of Government to relegate employers to the role of "Villains of the piece" and to introduce a few tit-bits into such legislation to make employers, as it were, "sit up".

Whilst I have the greatest admiration for the zeal of my friend Mr. Humayun Kabir in his efforts to obtain relief for those who suffer oppression in their employment, I would suggest to him that he is not free from this trait and that as a result much of the force of his arguments is affected adversely by the estrangement of support which he might otherwise count upon.

The imprisonment provisions in the penal clauses of the Bill, as originally drafted, illustrate my point. These were to fall almost entirely on the employer. I congratulate the Government and the House on their good sense in taking these highly objectionable provisions out of the Bill.

Likewise, Sir, there is nowadays a tendency when a demand for social legislation arises to widen the scope of such legislation far beyond the demand.

In this Bill the introduction of clause 8 to regulate hours in commercial establishments is a case in point. Those concerned with the interests of commercial establishments have co-operated freely in regard to holidays with pay, casual leave and timely payment of wages, but it was their considered opinion that the provisions of clause 8 would have been administratively unworkable had they been retained in the Bill and it is obvious that they had been inserted without sufficient enquiry as to the real conditions prevailing in commercial establishments.

The retention of this clause in the Bill would have hindered the successful working of what is now a considerable piece of social legislation and here again the House and Government are to be congratulated in foreseeing this and on removing the defect.

In this connection, Sir, I should like to make reference to the rather sweeping remarks by my friend Mr. Birendra Kishore Roy Chowdhury yesterday in regard to conditions prevailing in European commercial establishments.

I do not know whether the honourable member has any actual experience of the conditions of employment in European establishments, but I have no hesitation in saying that those who have such experience will agree with me that the statements made by the honourable member yesterday could only have been made through crass ignorance of his subject.

There is just one point, a small one, to which I would like to draw the Hon'ble Minister's attention and that is in relation to clause 13.

There is still some doubt as to whether after 12 months' service all employees could not demand their leave, say from 1st to 14th January of the ensuing year.

The clause as passed affords no discretion to the employer and I would suggest for the consideration of the Hon'ble Minister that this point be suitably dealt with in the rules.

The European Party supports the motion and gives the Bill its blessing.

In conclusion, I should like to congratulate the Hon'ble Minister on the smooth manner in which he has piloted the measure through the various stages in this House.

Mr. K. C. ROY CHOWDHURY: Sir, I should like to make one or two observations on the Third reading of the Bill. The honourable members congratulated one another—particularly the Hon'ble Minister as well as Mr. Humayun Kabir—on the smooth passage of the Bill which is one of the first class social legislations brought for the benefit of the small wage-earners in shops and establishments. But they forget that when this Bill is enforced, the smaller shopkeepers will have to keep a larger staff than at present, and an apprehension is gaining ground among the shop assistants that this will indirectly affect their employment, because the employers will reduce the wages of the assistants on the ground of reduction of the hours of work and paid holidays. Therefore, I would suggest to the Hon'ble Minister that he should bring in a separate legislation as soon as possible on the minimum wages after due enquiry of the standard and cost of living of shop assistants as well as industrial workers. We do know that shop assistants, specially in small shops, get very small wages, and I believe that on the plea of keeping a larger staff in order to meet the provisions of the Bill, the employers will reduce the wages of the shop assistants. The liability for the wages for paid holidays—one and half days in the week—and for casual and privilege leave will compel employers, under the provisions of this Bill, to resort to a cut in the wages of their staff and this can only be averted by a speedy legislation fixing minimum wages which exists in all progressive countries of the world.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur:

Mr. President, Sir, I rise to support the motion which has been moved by the Hon'ble Minister. In doing so, I congratulate the Hon'ble Minister on having piloted the Bill so successfully and so ably. The very fact that the Bill has been introduced recently and has been passed only in the course of a few days shows that it has been drafted carefully and in the best interests of all concerned.

Sir, in view of the remarks made by the honourable members of this House, I would like to say a few words on the merits of the Bill. Firstly, I am glad to find that the term "commercial establishments" have been omitted from certain clauses. Commercial establishments would not be affected by the Bill as it has been presented before us. All the clauses of the Bill will not be operative on the commercial establishments. I think that has been a move in the right direction. It is known to the House, Sir, that the conditions of assistants in commercial establishments are different from those of the assistants in other shops. The assistants of commercial establishments do really enjoy some of the concessions that have been provided for in the Bill, whereas the shop assistants do not. So, in all fairness they should not be placed in the same category with the shop assistants. I am glad that Government have made this difference but I think it would be better if a separate Bill were brought in for dealing with the commercial establishments instead of tagging them on to this Bill. In fact, it does not look well that some provisions would be applied to commercial establishments and some would not. When the conditions are different they should be placed in a different category and there should be a different Bill altogether to deal with them. However, I am glad that there has been some attempt in that direction.

Now, Sir, another point which I wish to bring to the notice of the House is with regard to sick leave. In the original Bill, sick leave had been provided for; but in the Select Committee they have deleted the provision for sick leave and in its place they have introduced privilege leave and casual leave. The Select Committee made an attempt to introduce a provision for privilege leave for one month and casual leave for ten days. The House has reduced the period of privilege leave to 14 days though casual leave has been retained for 10 days. But to my mind, sick leave is more important and more useful than casual leave, because when one falls sick he is anxious to see that he gets something of his pay during absence for no fault of his. It is common knowledge and the fact is admitted by great scientists also that it hinders the progress towards recovery of a sick man if he has cares and anxieties during his illness. So, I think, it would be better if sick leave were granted even at the cost of casual leave. It may, of course, be pointed out that he will get privilege leave or casual leave; but that is not a practical solution. Because it is human nature that when a man sees that his privilege leave is due or his casual is due, he is tempted to take advantage of it and utilises the leave for enjoyment, or son's marriage or attending a party and so on and so forth. He never thinks that he will fall ill or that he will require any leave for sickness. The result is that his privilege leave and casual leave are over and no leave remains due to him when he falls sick. After all, it should be remembered that when a man falls sick he will require more money for expenses on medicines and doctors and if he does not get any relief by

way of sick leave or half pay leave, he will be worried. As the Bill is going to the Assembly, I would request the Hon'ble Minister to see that some provision be inserted for sick leave even at the cost of casual leave.

Now, with regard to the remark made by my honourable friend Mr. Ross, I agree with him that there should be some provision for the employer in granting the privilege leave. After all, the business will have to be conducted and if all assistants want leave at a time, I do not understand how the business can be smoothly conducted. So, there should be some provision that all should not be allowed to take leave at a time, and that the employer will have some power in granting leave. I fully agree with him that discretion of the employer should prevail in certain instances.

There is another matter which I would like to mention. My honourable friend Mr. Humayun Kabir is practically the sponsor of the Bill. He took the initiative in this matter. As a matter of fact, his Bill is still pending, but on the assurance of Government, or rather I may say, the Hon'ble Mr. Suhrawardy he did not push on with his Bill. I am glad to say that the Hon'ble Minister has kept his word and has brought forward this Bill. This required courage of conviction. We do find that sometimes Government, for the sake of false prestige and vanity, do not like to take up the cause of the non-official members; but in this case the Hon'ble Minister has taken up the cause of a non-official member and has not only brought in a Bill but got it passed too.

Sir, once more I congratulate the Hon'ble Minister and give him the credit due to him.

Mr. HUMAYUN KABIR: Mr. President, Sir, I have very great pleasure in supporting the motion which is before the House. My friend Khan Bahadur Naziruddin Ahmad has complained that the number of amendments from this side of the House has been less than usual, but I think instead of complaining for that reason, it should be a matter for congratulation to all concerned in this House that in this matter there has been no difference of points of views between the different sections of the House. It is a measure of such importance and the good which it seeks to do to a very large section of the community of this country is so great that on this matter the Opposition and Government have seen eye to eye. I think also, Sir, that the statements of Khan Bahadur Naziruddin Ahmad about the Opposition were probably not so uncomplimentary as they seemed to be and perhaps his references to the Government were not so complimentary as he at times tried to make them. Behind his speech there was one burden of song and continually it was being repeated that the Government had taken the amendments of the members of the Coalition Party and brought them forward as its own amendments. I think, Sir, that was

the real burden of the song which Khan Bahadur Naziruddin Ahmad wanted to sing before the House. But, at the same time, Sir, I think it is not a matter for much regret. It does not matter very much how the amendments are brought so long as they are accepted and it is, as I said a moment ago, a matter for pleasure on all sides of the House that we have been able to agree so much on this Bill and have been able to carry through all the 29 clauses of the Bill in the course of two days. That I think, Sir, is also a matter for congratulation for the Hon'ble Minister that he was able to pilot it so ably and efficiently.

Sir, many members have been kind enough to refer to the little that I have had to do with this Bill. I hope, Sir, I may be pardoned if I take a certain amount of pride that the Bill has been taken up by Government. I am very grateful that the Government did take up the Bill and took it through so expeditiously. It was my desire at the time I introduced the Bill should have in Bengal the first social legislation of this type; but unfortunately on account of the original reluctance of the Government, this was not possible. My Bill was introduced in January, 1938, and at that time no other province in India had thought of a similar Bill. After that, the Bombay Government and the United Provinces Government had their own Bills which were very similar to that Bill; but I think the Bengal Cabinet has yet the opportunity of being the first Government in India to enforce this Bill. For, though the Bill in Bombay was passed, though the Bill in United Provinces, I believe, is passed, they have not yet been given effect to and I hope it will still be the privilege and pride of Bengal to be the first province in which such an important social legislation is carried and I hope we shall all have the pleasure of congratulating the Hon'ble Minister if he succeeds in doing this and having the Bill given effect to in Bengal before it is given effect to in any other province.

Sir, in the Bill which I had the honour to sponsor before the House, there were certain items that have been dropped. Certain others have been brought into the Government Bill. One item which was brought in is the inclusion of commercial establishments. I think it is not necessary for me to repeat the remarks which my honourable friend Mr. Laidlaw made when the Bill was first taken up for consideration in this House. That was one of the differences between the Government Bill and my Bill and that was, I suppose, one of the reasons which Government advanced for delay in this matter. It has since been dropped and to that extent I think, Sir, the delay has not been justified.

On the other hand, Sir, certain of the features in the original Bill have been dropped which I think mark a definite loss in the value and efficacy of this Bill. The question of security of tenure was attempted to be solved in the Bill which I had the honour to sponsor and Mr. Suhrawardy himself admitted yesterday that this is a matter

with which he has very great sympathy. If he really had the sympathy,—and the Bill was there and in fact was there for two years and the Government itself had this Bill for inspection for almost six or seven months,—there is no reason why a provision to that effect was not included in the Government Bill. I think there is even time now to remedy this error, for this Bill would go to another place and I hope Mr. Suhrawardy will, by introducing some amendment which will cover this point with regard to the security of tenure for employees in shops and other establishments, prove that his sympathy is real. For, I think, it cannot be gainsaid that this is one of the greatest dangers from which the employees of small establishments suffer. Very often they put the best part of their lives in such employment and then suddenly one day they are thrown out of employment.

• There was one other point in my Bill—with regard to the question of age of employment and minimum wages which has been dropped. I am glad that point was touched to-day by my honourable friend Mr. K. C. Roy Chowdhury. I think, Sir, that unless there is some provision for minimum wages there may be certain hardship. It is even more important to secure the method of payment of wages. I have had reports—I do not know how far they are accurate, because they have not come to me in an official manner—that since the Bill was taken up in this House, a change in the method of payment has been made in many establishments in Calcutta. I think some of the European firms are also guilty. Instead of monthly payments as before the system of payment by week has been introduced, because there is a general provision that the people who are paid at monthly rates are also entitled under the general rules to notice of a month before discharge. I have also been told—again I repeat I cannot vouch for its accuracy at this moment—that in certain European firms, after this Bill was taken up in this House the system of payment by week has been brought in so that employees can be dismissed with a week's notice. Of course, in the Bill there is a saving clause. In the Bill there is a clause which says that any rights which the employees in shops and establishments have enjoyed before the introduction of this Bill—I think the period fixed is about six months or so from the 1st of January, 1940—any privileges which have been enjoyed by the employees up to that day shall not be abrogated by the passing of this Bill. This Bill marks the minimum which the State wants to guarantee to the employees. This also brings me to the remark which my honourable friend Mr. Ross was pleased to make. He did me less than justice when he said that I was fighting for the cause of the employees alone. I certainly want to fight for their rights, but I think, the Hon'ble Mr. Suhrawardy will agree with me that this Bill is as much a charter of freedom to the employer as it is to the employee. In the case of many smaller shops, not only has the employer to keep the employees in his shop but he has to stay himself for ten or twelve hours. He was himself a prisoner

under the system at present prevailing and by this measure, it will be for the first time, Sir, that the employer will be able to come out in the open and take part in social activities that make a rich human life. From that point of view, it is a measure of benefit to the employer and not merely to the employee. Sir, I have no grudge against the employers. In a good many cases, employers have actively helped me in shaping some of the clauses which had been included in the Bill and which I had the honour to sponsor in this House.

This brings me to another point in which both the employer and the employees are benefited by the fixation of weekly holidays. I may tell the House that not merely the employees but many employers also have approached me, saying that they would like that the weekly holiday should be fixed on Sunday and that the half-holiday might be left to the discretion of the employer, and also that it may be fluid. If the weekly holiday is not fixed on Sunday, employers and employees will not be able to take full advantage of the facilities offered by a general holiday; if shops are kept open on Sundays, it will harm the employers and employees in two ways: first, they will not be able to take part in social life which it is their desire to do but they will be working on a day when others are enjoying a holiday and they will have a holiday when others will be engaged in work; if there is a general holiday, as we have on Sunday, this will help them to come in more intimate contact with their relatives who are not employees or employers in shops. Sir, we have received representations that, if possible, the weekly holiday should be fixed on Sunday.

Another matter in which I have received representations from certain employers' and also employees' associations is that if the weekly holiday is not fixed on Sunday, it will give undue advantage to the large shop-keepers who have more than one shop and can arrange to have one shop closed on a Sunday and another on a Monday and in this way can carry on his business on all the days of the week whereas the smaller shop-keeper who has only one shop cannot do this. In this way, he loses a certain proportion of the customers. The Hon'ble Minister will also consider that if there are different shops owned by the same employer and if they are closed on different days, then the same man might be employed in different shops. I admit that in many of the shops this will not happen, but, after all, we have got to deal with all sorts of employers, and it is likely that certain employers having two or more shops in which different weekly holidays are observed, would employ the same person in different shops on the weekly holidays and thus deprive him of the advantage which the Bill wants to afford to him.

Then there is another point with regard to the question of sudden discharge or dismissal. Yesterday on the floor of the House it was evident that all sections of the House sympathised with the employee

who may be suddenly dismissed. In the case of ordinary dismissal, an employee will not get the sympathy and support of the members of this House, but I think in the case of sudden discharge or dismissal there should be some provision guaranteeing them some compensation for such sudden and wilful cessation of their activities, and I hope the Hon'ble Minister will examine this question again when it will be taken up for further consideration in another place.

Sir, I do not want to take more time of this House and thus stand in the way of other members who would like to speak on this motion. I would like again to congratulate the Hon'ble Minister and other members for the expeditious manner in which the Bill has been carried through this House. This Bill, however, innocent it may seem at first, will have a profound influence on the social life and habits as also on the character of the people of Bengal and in that hope, I welcome it.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, while I support the motion of the Hon'ble Minister in charge of Finance and Commerce, I should be frank to state that I am not very happy regarding the form in which the Bill is likely to go out of this House. I, of course, recognize that some benefit will accrue to the shop assistants. Although the Bill does not go as far as it might have gone, still something is certainly better than the existing unregulated condition of things in the shops.

Sir, what I regret most is that the original object to regulate the condition of work in the commercial establishments has been taken out of the Bill. While I appreciate the explanation offered in this regard by the Hon'ble Minister in charge of Commerce and Finance, I am convinced, as certainly many others in this Council are convinced, that the Bill has been largely truncated in this respect, mainly because of the opposition which the European members set up since the very introduction of the Bill. It has been asserted by my friend Mr. Ross that the working conditions in the European commercial establishments are far better than in most Indian concerns. But, as Mr. Kabir observed a little while ago, that apart from the hours of work, other conditions of service also in some of the European commercial firms and banks admit of considerable improvement. It is human nature that owners of vested interests do not themselves welcome any modification of their rights. But, Sir, during the last few years many other vested interests in this province have been adversely affected and considerably undermined through the willing or unwilling co-operation of European elements of this Legislature. I do not see, Sir, why the European members who have bowed to what they have regarded as the inevitable in other cases, are trying to fight for their own interests to the last ditch.

The Hon'ble the Commerce Minister has promised to take up the regulation of the commercial establishments in another Bill. Sir, I only hope that the Hon'ble Minister will be able to get over the opposition of the commercial vested interests and make good his promise in the near future.

With these few words, I am giving my support to the Bill, although I would have liked it to be passed in some other form.

Mr. NUR AHMED: Mr. President, Sir, I rise to support the motion for the Third reading of this Bill, and in doing so I take this opportunity of congratulating the Hon'ble Minister not on piloting this Bill in the form in which it is going to be adopted but on his tactful handling of the whole debate. From the point of view of shop-keepers, I shall make one or two observations on the main provisions of the Bill. I do not think that this Bill will prove to be a practical measure nor do I think that it will lead to efficiency. Besides, there will be a lot of difficulty in enforcing this Bill. With due deference to the Hon'ble Minister, I submit that this Bill, as it has emerged from this Council, is an unsatisfactory one from all practical points of view, and that the Hon'ble Minister has taken a big jump. At a time when the country is passing through a terrible depression in trade and commerce, I must say, knowing full well the conditions of small shops in the mufassil, that this Bill will affect, to a great extent, the harmonious working of shops and will undermine the good relationship that subsists between the shop-keeper and his assistants. There is a provision in this Bill for giving rest to the employees, and every shop-keeper is bound to allow a certain period for rest. If a shop-keeper has three assistants, what will be the fate of his shop if all the three assistants go away simultaneously? Who will look after the shop and protect the articles from theft and damage? There will be some practical difficulty in enforcing this provision of the Act. Then, there is also another provision to grant one and a half days' holiday every week to the shop assistants in the same manner as weekly holidays are given to boys in schools and colleges, although there is a great deal of difference between schools and colleges on the one side and shops on the other. What will be the net result of all this? The small shop-keepers have got small capital only, and they cannot afford to give one and a half days' holiday every week to their assistants and at the same time keep up the present level of wages.

Then, Sir, there is another fact to be remembered in connection with this measure and that is: how to provide an effective machinery for the enforcement of the provisions of this Bill. We must also remember that this Bill has got to deal with an influential class of people amongst whom it will be very difficult to enforce its provisions.

Another question is that of fourteen days' privilege leave and ten days' casual leave every year. We know that there are many shop-keepers who give more than that amount of holidays to their assistants at present, but as a result of this enactment it may happen that the employees who have been enjoying those privileges and amenities may find that they are going to lose them.

There is also another factor to be considered in connection with this Bill. Everybody knows that cordial relations generally exist between the employers and their employees, the shop-keepers and their assistants; but, I fear, taking advantage of the provisions of this Bill, that old relationship between them may disappear, and the former may frustrate the object of Government by making it impossible to be enforced.

With these words, Sir, I support the Bill but not so wholeheartedly as has been done by some of the previous speakers.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, let me once more thank the honourable members of this House for their support to this motion, and to this Bill generally, and also for the constructive criticisms with which they have favoured Government on the provisions of this Bill—criticisms which I will certainly keep in mind in framing future legislations. It is not proper for Government to steal the thunder of others, or even to partition that thunder, and hence all credit for being the first to introduce a Bill of this nature on the floor of this House is due to Mr. Humayun Kabir.

The reason, Sir, why I introduced a Government Bill on this subject was that I felt that some of the provisions which Mr. Humayun Kabir had embodied in his Bill were of a far-reaching character and might have resulted in that Bill becoming inoperative. If we produce a measure of this type—a social legislation of such far-reaching consequence we should do so, if we want to be successful, with the complete co-operation and good-will of those who will be affected by it. Now, Sir, if the employers on the one side are determined to obstruct this measure, then no amount of Government measure will bring about peace and harmony between the two contending parties, namely, employers and employees. If, as has been proclaimed by Mr. Ross and has been greatly appreciated by me, the Calcutta Trades Association, and I take it other employers similarly, welcome the provisions of this Bill, then this Bill has every chance of being worked successfully.

Mr. Humayun Kabir hopes that perhaps Bengal will be the first to put such a Bill into operation, although Bombay and the United Provinces have passed similar measures. If it is successful in Bengal, it will be due to the fact that many of the unworkable provisions of the Bombay Act and the United Provinces Act have been deleted from this Bill. I have not pretended that this is an ideal Bill in the sense of

having crystallised all the conditions of the service of shop assistants. What this Bill attempts to do is merely to lay down certain general conditions of service where they were at a considerable disadvantage and to relieve their lot as early as possible. We have still to explore many avenues, and I hope that if we continue to keep a watch on their conditions, we shall be able to bring in legislation from time to time which may be of assistance to them. One more reason why I did not bring in my own Bill at an early stage, and there was delay in this Bill,—for I may point out to Mr. Humayun Kabir that before even the introduction of his Bill, I had stated on the floor of one of the Houses (I forget now which) that I did intend to bring in legislation to regulate the hours of work,—one of the reasons why I did not bring it earlier was that I believe in creating public opinion, and I wanted public opinion to be crystallised on this matter. I realised that the shop assistants were at a great disadvantage, but I saw in them the stirrings of a new life and I felt that if I came in at that time with a Bill, it might have resulted in the disappearance of that movement. By this delay one good thing has arisen. They have formed their unions, they have formed a strong organisation, and they are now in a position to look after their interests; they will safeguard their interests, they will continue to promote their interests, and from time to time suggest measures which may better their conditions. I welcome the formation of such an association of shop assistants, and I certainly look with interest and sympathy at any efforts that they may continue to make for the amelioration of their service conditions.

Sir, perhaps the honourable members would like me to refer to some specific remarks which they have made regarding the clauses of this Bill. Mr. Ross has spoken about clause 13 and observed that, as drafted, it does not appear to give any discretion to the employer within which time he must grant leave or he may grant leave, and he has suggested that we should provide for that discretion in the rules. As at present advised, I think that we will do so inasmuch as it is clear that it will not be possible for an employer on demand to give the necessary privilege leave. It has been suggested that if leave is demanded by the employee, then the employer should within six months of the expiry of twelve months' service give that leave. Of course, if the employee wishes to accumulate that leave, he will be permitted to do so.

Sir, the Raja Bahadur of Nashipur has said that the deletion of the clause regarding sick leave is against the interests of the employees. I do not think so, Sir. I think that the change of sick leave for privilege leave and casual leave is a decided improvement. Everyone does not fall sick and hence the mere provision of sick leave on half pay would not have benefited an employee, for he could not avail himself of it except on a medical certificate procured sometimes through unfair means. Hence sick leave on half pay on medical certificate is not better

than privilege leave, for half the period on full pay of which he can always take advantage. Added to that ten days' casual leave is a further improvement which, I think, will benefit the employee much more than sick leave. Again, privilege leave and casual leave are privileges which are compulsory privileges for all employees whereas sick leave can only be taken advantage of by those who fall sick.

Now, Sir, in order to deal with wrongful dismissal and victimisation, well-considered clauses are necessary. For instance, if a person is dismissed for specified causes and justifiable reasons, then he cannot have any rights. To draft those specified causes require some time and consideration and agreement between the parties who will be affected. Again, I think that disputes on these points will create difficulties and cast a heavy burden on the Courts. If we provide for such contingencies, we may also have to set up tribunals similar to the tribunals provided for in the Trade Disputes Act.

Sir, Mr. Humayun Kabir has said that he has received representations that the weekly holiday should be fixed on Sunday, although so far as the half day is concerned it may be left to the discretion of the shop-keeper. Sir, I received representations of this type and I threw out a feeler. The feeler was in the shape of an attempt on my part to introduce an ordinance making Sunday a compulsory holiday and I asked for views. I did not wish to bring that ordinance in unless all parties agreed, because I hold that Government should not rule by ordinances if they can be avoided. But the replies which I received in that connection were so varied in nature and there was so much opposition that I thought it inadvisable to make Sunday-closing compulsory. I think personally that Sunday-closing would be an improvement. But I have been informed that the conditions of business in Calcutta are such that Sunday-closing would cause irreparable damage to the shop-keeper, that the habits of our people are such that it is on Sundays that they do most of their shopping, that they take their ladies out and that it is a gala day for some of them and a recreation which they cannot afford to give up. Sir, I hope that the habits of our people will change. I am looking forward to an agreement within the near future between shops situated in particular regions assisted by, if I may say, pressure from their employees. For instance, we may have in the New Market and Chandni all shops closing on Sundays. Bhowanipur and Kalighat might choose another day. There may be various days for various regions. I would like to leave it for the time being to agreement amongst the shop-keepers and if they can all agree to close on Sundays, nobody will welcome it more than myself. After we have had an opportunity of seeing how this provision works, we may consult this House once more for the purpose of taking further steps in this connection.

(At this stage, the Hon'ble President left the Chamber and the Deputy President occupied the Chair.) "

'Regarding the half-day, that also has been left to the discretion of the shop-keepers, although the representation that was made to me was to the effect that we should declare the morning of Friday as a half-day. I am glad to be able to say that this representation was made to me not merely by Muslim shop-keepers and shop assistants but also by their confreres, the Hindu shop-keepers and their shop assistants. The reason that they advanced was that most of the Muslim shops do close on Friday mornings, that the general public know that many of the shops are closed, and that is the reason why business is dull as a rule on Friday mornings, and if they close their shops on Friday mornings it would not damage anyone. At the same time, there are some shops that close on Saturday afternoons. I did not want to interfere with the custom. I felt also that if we compulsorily close on Friday mornings, it would give a further handle to some of my friends on the other side—not on the other side—but to those who want to get some *kudos* in the Hindu community to say that once more we were introducing legislation for the benefit of the Muslims. For this reason, I thought I should leave it to the good sense of the shop-keepers and their shop assistants to fix whatever day they liked. Sir, I think that deletion of the provision for commercial establishments only in regard to hours is an improvement for the time being, as we had not considered that matter, and had we pressed it—I call Mr. B. K. Roy Chowdhury's attention to it, although he is not here at present—it is quite possible that this Bill would have had the same fate as the Bombay Act and the United Provinces Act, viz., that we would not have been able to bring it into operation. If by the deletion of that clause we have secured the goodwill of all the parties, there is hope for this Bill.

Sir, I need not proceed with the matter further. I hope that this Bill will be of real service to our people, and will help us to organise our existence on better lines.

MR. DEPUTY PRESIDENT: The question before the House is: that the Bengal Shops and Establishments Bill, 1939, as settled in the Council, be passed.

(The motion was agreed to.)

Order, order. The Council stands adjourned till 2-15 p.m. on Friday, the 16th August.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 16th August, 1940.

Members Absent:

The following members were absent from the meeting held on the 14th August, 1940:—

- (1) Mr. Kader Baksh.
- (2) Rai Bahadur Keshab Chandra Banerji.
- (3) Mr. Narendra Chandra Datta.
- (4) Mr. Kamini Kumar Dutta.
- (5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (6) Mr. Mohamed Hossain.
- (7) Alhaj Khan Bahadur Shaikh Muhammad Jan.
- (8) Maulana Muhammad Akram Khan.
- (9) Dr. Radha Kumud Mookerji.
- (10) Rai Bahadur Radhica Bhusan Roy.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 16th August, 1940, at 2-15 p.m. being the twelfth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA), was in the Chair.

QUESTIONS AND ANSWERS

Outstanding Questions from previous Session and Answers thereto.

Holidays in the Office of the Bengali Translator.

98. Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister in charge of the Home Department kindly state—

- (a) whether the Office of the Bengali Translator has been kept open on all Sundays and other holidays since the outbreak of the war;
- (b) whether a number of assistants and clerks of this office have been called upon to attend and work regularly on all these Sundays and holidays;
- (c) whether it is a fact that some of the assistants and clerks in this office can look forward to a day of rest only after every two weeks;
- (d) whether it is a fact that even the ammunition factories in Bengal observe Sundays as closed holidays;
- (e) whether the four days of the Durga Puja holidays, namely, 19th, 20th, 21st and 22nd October last, were observed as closed holidays in the ammunition factories in Bengal and whether the Bengali Translator's Office was kept open even on those days;
- (f) whether any allowance or honorarium has been granted to those assistants and clerks in Bengali Translator's Office who have been attending office on Sundays and other holidays since the outbreak of the war;
- (g) whether some allowance or honorarium had been granted to these assistants and clerks or any other relief granted to them in some way; and

- (h) whether there is any other department or office in the Bengal Secretariat the clerks or assistants of which have been called upon to attend office on all Sundays and other holidays since the outbreak of the war?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) Certain particular assistants in the Bengali Translator's Office attended according to the roster for emergent work.

(c), (f) to (h) No.

(d) I have no information with regard to the ammunition factories.

(e) Particular assistants in the Bengali Translator's Office attended according to the roster for emergent work.

Mr. SACHINDRA NARAYAN SANYAL: Arising out of answer to (b), what is the total number of these particular assistants?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the total number of those who have to attend office on Sundays and other holidays, is, I believe, about 16.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state whether typists, stenographers and clerks have to attend?

The Hon'ble Khwaja Sir NAZIMUDDIN: One stenographer, one typist and one clerk; three upper grade assistants of the Bengali section, one assistant of the Hindi-Urdu section.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state whether all these assistants and clerks have to attend every Sunday and holiday, or whether they have to attend by groups? If they have to attend by groups, into how many groups have they been formed and whether—

Mr. PRESIDENT: Please put your questions one after another.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Bengali Translator's office has at present a total strength of 23 excluding menials. Out of this staff, 7 hands particularly belonging to the Lower Division of the Bengali Section, have not been usually called upon to attend office on Sundays and other holidays on roster duty. As regards the remaining 16 members, an attempt has been made to grant them relief as far as practicable consistently with the rule in the

Bengali Supplementary Press Rules Instructions, 1939. It will appear from what has been stated above that most of the members forming into groups can in the circumstances be permitted to get one Sunday off after 13 days, provided there are no intervening holidays.

Mr. SACHINDRA NARAYAN SANYAL: Arising out of answer to question (e), does not the Hon'ble Minister realise that it is very hard upon Hindus to have to attend office during the four days of the Durga Pooja holidays which is the most important festival of Hindus in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as possible, attempts are made to give relief to officers during these religious festivals, but sometimes it becomes unavoidable. For instance, Hindu policemen have got to be on duty during Durga Pooja holidays, and Muslim policemen have got to be on duty on Id holidays.

Mr. SACHINDRA NARAYAN SANYAL: Arising out of answers to questions (f) and (g), will the Hon'ble Minister be pleased to state why no honorarium or allowance has been paid to these particular assistants, clerks, etc.?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am not responsible for (d). The honourable member ought to understand that the ammunition factories are not under the Government of Bengal. As regards (f), this is usual in other offices. Sometimes when there is pressure of work this is done, and if we give any honorarium for this office, then in other offices similar honorarium will have to be given. Therefore, it has not been given.

Mr. SACHINDRA NARAYAN SANYAL: Will the Hon'ble Minister be pleased to state whether the assistants of the Defence Section of the Home Department were granted honoraria for war emergency work? If so, on how many Sundays have they attended office?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. (Laughter from Congress Benches.) I do not see any reason for the honourable members' laughter, for the question was not there. I cannot anticipate what the members are going to ask.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister consider giving respective holidays to respective people; for instance, if it is a Hindu holiday the Muhammadans may be requisitioned, and if it is a Muhammadan holiday Hindus may be requisitioned.

The Hon'ble Khwaja Sir NAZIMUDDIN: *I hope this will be possible when we have fifty-fifty in the services.*

Mr. HUMAYUN KABIR: Will the Hon'ble Minister consider the possibility of giving some extra payment to persons who have to attend on Sundays and other holidays?

The Hon'ble Khwaja Sir NAZIMUDDIN: In many of the departments, especially the Home Department, officers do have to attend as a rule on Sundays and holidays, and we do not like to start the practice that where for a few hours a man has attended, he should be given extra remuneration.

Mr. LALIT CHANDRA DAS: Arising out of answer to (d), will the Hon'ble Minister attempt to ascertain whether ammunition factories in Bengal observe every Sunday as closed holiday?

The Hon'ble Khwaja Sir NAZIMUDDIN: We are not in that fortunate position as the M.L.C.'s are. We are told to mind our own business if we enquire into other people's affairs.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister consider that these persons who are engaged in roster work are granted Pooja holidays that are coming?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government try as far as possible to see that they get holidays during the Durga Pooja holidays.

Nomination to the Upper House.

99. Mr. NARESH NATH MOOKERJI: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that at a meeting of the Coalition Party held for the selection of the Party's candidates for contesting indirect elections to the Bengal Legislative Council, the Hon'ble Chief Minister had given an assurance to the members of the Coalition Party belonging to the Scheduled Castes that he would secure representation of the Scheduled Castes in the Upper House by means of nomination of a member of the Scheduled Castes to the Bengal Legislative Council?

(b) Has the Hon'ble the Chief Minister the right to nominate a member to the Bengal Legislative Council?

(c) Is it not a fact that under the present Constitution the Governor alone is empowered to nominate members to the Provincial Upper House in the exercise of his discretion?

(d) If so, does not any attempt on the part of the Hon'ble the Chief Minister to secure the nomination of any individual to the Bengal Legislative Council amount to interference with the Governor's discretion?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The proceedings of the meeting of the Coalition Party are treated as confidential.

(b) No; nor does he claim such a right.

(c) Yes.

(d) Does not arise.

Mr. HUMAYUN KABIR: Arising out of answer to (a), was the word "treated" used deliberately?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a matter of fact, the alternative answer should have been that Government have got no official information as to what takes place at the Coalition Party meetings.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With reference to answer (c), will the Hon'ble Minister please state if the nomination was done on the recommendation of the Chief Minister, or the recommendation of the Chief Minister was called for?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is entirely a matter for His Excellency. We have got no say in the matter. I would refer the honourable member to the relevant section of the Government of India Act.

Questions tabled for the Current Session

Collection of Agricultural Loans.

69. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) the total amount of agricultural loans advanced to agriculturists in the districts of Bankura and Midnapore in 1935-36, 1936-37, 1937-38, 1938-39 and 1939-40, year by year.

(b) the amounts of collection, year by year;

(c) the number of certificates issued for realisation of loans in each year;

(d) the amounts of dues, principal and interest outstanding on the 1st April, each year; and

(e) the number of certificate cases pending on the 1st July, 1940?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):

		Midnapore.	Bankura.
		Rs.	Rs.
(a) 1935-36	..	20,000	2,55,100
1936-37	..	83,000	4,90,000
1937-38	..	3,000	..
1938-39	..	10,194	9,837
1939-40	..	2,88,500	3,97,842

		Midnapore.		Bankura.	
		Principal.	Interest.	Principal.	Interest.
		Rs.	Rs.	Rs.	Rs.
(b) 1935-36	..	54,300	4,294	7,076	697
1936-37	..	76,472	7,555	3,58,247	30,016
1937-38	..	43,954	3,545	2,57,891	19,242
1938-39	..	19,146	1,187	55,505	6,260
1939-40	..	1,03,457	7,614	1,50,084	15,629

		Midnapore.	Bankura.
		Rs.	Rs.
(c) 1935-36	..	4	..
1936-37	..	3	..
1937-38	..	2	55
1938-39	..	3	2,342
1939-40	..	5	..

		Midnapore.		Bankura.	
		Principal.	Interest.	Principal.	Interest.
		Rs.	Rs.	Rs.	Rs.
(d) 1935-36	..	86,294	1,051	27,192	163
1936-37	..	51,954	2,597	2,75,216	7,288
1937-38	..	58,522	1,233	4,06,969	7,554
1938-39	..	17,568	934	1,49,060	6,719
1939-40	..	8,616	269	1,03,392	4,103

(e) Midnapore	4
Bankura		1,496

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state with reference to answer (c), why in the year 1938-39, 2,342 certificates were issued in one year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Evidently, there were outstanding arrears and the collection in the previous year was not good and the amount was going to be time-barred. So, I think certificates had to be issued.

Mr. HUMAYUN KABIR: With reference to (b), will the Hon'ble Minister be pleased to state if it is not a fact that the collections in the year 1937-38 were quite good compared to the year 1938-39?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In any case, I may state that Government have suggested that these certificates should not be executed and those certificates which have been issued should be kept pending, because Government disapprove of the issue of so many certificates at a time.

Short-term loan to the agriculturists.

70. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state if the Government of Bengal gave Rs.13½ lakhs to the Provincial Co-operative Bank of Bengal during last year and a sum of Rs.60 lakhs this year for distribution as short-term loans for the relief of the agriculturists?

(b) If so, how are these short-term loans being distributed and through what agencies? Have the Government given any definite directions as regards the distribution of these sums and also to ensure that only the real and *bona fide* needy agriculturists get loans from these sums?

(c) Is it a fact that there are no agricultural credit societies in some areas of Bengal? If so, how would the loan be given in such areas?

(d) How many land mortgage banks have been started in Bengal and where? How many land mortgage banks are going to be opened in the near future in Bengal? Is it a fact that a definite proposal has been made to start a land mortgage bank at Chittagong? If so, why has it not been started so long and when is it expected to be opened?

MINISTER in charge of the CO-OPERATIVE CREDIT AND RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) Last year Rs. 13½ lakhs were given and this year Rs. 55 lakhs have been sanctioned.

(b) Central Banks and village societies. Yes.

(c) Agricultural Credit Societies are being formed in areas where they did not exist before and where there is a genuine demand for such loans and the people agree to form such societies.

The Revenue Department of Government has sanctioned agricultural loans in areas where such societies have not yet been formed.

(d) Five—at Comilla, Mymensingh, Jessore, Pabna and Birbhum.

The question of starting more land mortgage banks is receiving the consideration of Government.

Rest of the question does not arise.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (c), will the Hon'ble Minister be pleased to state if he is aware that the co-operative societies have so far covered up till now only 6 per cent. of the agricultural families of Bengal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We are trying to enlarge the movement as far as possible consistent with soundness of the policy.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does the Hon'ble Minister think that it will be enough if 6 per cent. of the agricultural families is helped with credit facilities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit, Sir, that is a matter of opinion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is not a matter of opinion. Is it not a fact that the Hon'ble Minister in answer to (c) said that agricultural credit societies are being formed in areas where they did not exist and is he aware that co-operative credit societies have become very unpopular in most parts of Bengal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This is again a matter of opinion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that for this reason people do not come forward to become members of the co-operative societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On the other hand, we have got about 2 lakhs of new members for these 7,000 societies.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state what is the number of society members in Bengal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to say offhand, but so far as I recollect the total number will be about 6 or 7 lakhs.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The total number of agricultural population is 65 lakhs.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That may be so; I am not quite sure about the exact figure.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state if it is not a fact that the co-operative societies are doing the greatest amount of good to the greatest number of people?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: We are trying to serve the people as far as possible.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (d), will the Hon'ble Minister be pleased to state the rate of interest in the land mortgage banks?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I have not got the figure. I must ask for notice.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if, since the passing of the Money-Lenders Bill, the utility of land mortgage banks has ceased?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On the contrary, I think there is very great demand for land mortgage banks. The question itself shows this.

Mr. NAZIRUDDIN AHMAD: Since the Co-operative Department is functioning very well, is it necessary to introduce the new Co-operative Societies Bill?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is absolutely necessary and the honourable member will see its necessity when it comes up for discussion in about a week's time in the House.

Adjournment Motion.

Mr. PRESIDENT: I have received notice of the following motion for adjournment from Mr. Humayun Kabir:—

“That the business of the House do stand adjourned to discuss a matter of urgent and definite public importance, viz., the unsatisfactory nature of the answer to question No. 63 of the current session and the failure of the Government revealed therein to take adequate steps for the alleviation of distress on account of failure of crops.”

Mr. HUMAYUN KABIR: Will you please explain how it is a matter of urgent and definite public importance?

Mr. HUMAYUN KABIR: Sir, I would recall to the memory of the members of this House the question out of which this adjournment motion has arisen—

Mr. PRESIDENT: Order, order. At this stage you are only to address the Chair and state how it is an urgent and definite matter of public importance. If the Chair is convinced of its urgency, then you will be allowed to address the House on its merits.

Mr. HUMAYUN KABIR: Sir, you will remember the question to which this adjournment motion refers. In the answer to that question it was said that even though crops had failed to the extent of 10 annas in the district of Faridpur, Government have not yet thought it necessary to take any steps with a view to alleviating distress, because they are expecting that the after-crops will be better. It is a matter of common knowledge that in our country the cultivators are living almost on the verge of starvation and therefore any failure of crop, even to a slight extent, is bound to have a serious effect on them. I might not have moved an adjournment motion of this type if this year, according to the crop reports that are available, crops had not been found to have failed in almost every part of Bengal. In most cases due to the shortage of rain practically the whole of Northern and Eastern Bengal are fearing shortage of food. The answer given by Government to the question referred to was that they will consider the matter when the situation demands—when things come to a crisis. But, Sir, my submission is that then there will be no time for remedying the state of affairs which may arise. If the prospects of crops are bad, Government should realise—particularly in view of the fact that we have a Government which is responsible to the people—that it is necessary for them to take care in time and take steps so that this undesirable situation may not arise over a large part of Bengal. So,

Sir, that it is important nobody will question. That it is definite, nobody will question because, it is a matter of definite concern to the Government of Bengal that there should be no scarcity in the province and that they have a definite responsibility in the matter. The only question that may be raised is with regard to the question of urgency. With regard to that my submission is, as I have stated a moment ago, that because in our country the people have no reserves to fall back upon if no steps are taken now while there is yet time, the condition of the people will be such as to baffle the good intentions of the Government—

Mr. PRESIDENT: When was this question answered?

Mr. HUMAYUN KABIR: On Tuesday, the 13th August.

Mr. PRESIDENT: Why did you not move your motion at the first available opportunity,—the very next day which was a sitting day of the Council?

Mr. HUMAYUN KABIR: At first there was an idea that the House would not meet on the next day, but subsequently it was decided by one of your rulings, when it was pointed out that the Bengal Shops and Establishments Bill could not be passed on the same day that the House had discussed the Bill, that there will be a sitting on the next day, and so it escaped my notice.

Mr. PRESIDENT: I understand that the honourable member was present in the Council both on the 13th and the 14th August.

I hold this motion out of order on various grounds. Firstly, on the ground that it was not moved on the first available day; secondly, that this motion is neither definite nor urgent. In this connection, I may inform the House that the rules have got to be interpreted as regards urgency and definiteness in a technical manner. So far as the question of definiteness is concerned, I would refer the honourable member to the decision given in the British Parliament on an adjournment motion which Viscount Curzon wanted to move for the purpose of discussing a definite matter of urgent public importance, namely, "the failure of the Government to provide adequate facilities for the protection and removal of disbanded members of the Royal Irish Constabulary and their families to England." In ruling that motion out of order, Mr. Speaker observed, "I think the Noble Lord must submit a more definite motion than that." Similarly, I hold that this motion is too vague and not definite in the sense in which the word is used in our Rules, because the motion does not state as to

why the answer of the Government should be considered as unsatisfactory. I find that in answer to a supplementary question the Hon'ble Minister has said that "one cannot yet definitely assert that the crop has failed altogether or even partially."

There may be a misapprehension in the minds of some of the members that the unsatisfactory answer itself is a sufficient ground for a motion for adjournment. I quote here from a decision taken in the Central Legislative Assembly:—

"There seems to be an impression in the minds of certain honourable members at any rate that the mere fact that the answer to a question is unsatisfactory is in itself a sufficient ground to make a motion for adjournment on that point *ipso facto* in order. The Chair should distinctly rule that by itself the answer to a question is not a sufficient ground for moving for a motion for the adjournment of the House. In deciding the admissibility of such a motion, the Chair has always to take into consideration the subject-matter with which the question is connected and if the subject-matter itself is in violation of the rules and standing orders relating to the motion for adjournment, no manner of unsatisfactory answer would make such a motion in order."

This ruling is reported on page 554, in the Central Legislative Assembly Report of the 31st August, 1933.

On these various grounds, I hold this motion to be not in order.

Motion for presenting Address to the Governor.

MR. PRESIDENT: I shall now take up the motion under rule 112 of the Bengal Legislative Council Procedure Rules, tabled by Mr. Nur Ahmed.

MR. NUR AHMED: Mr. President, Sir, this Council is of opinion that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble President of the Bengal Legislative Council, with a request to His Excellency to make a strong representation to His Excellency the Viceroy of India and through him to His Majesty's Government in England, urging on them the need for the abolition of the distinction between martial and non-martial classes in India; for emphasising the immediate necessity of training and employing Indian officers to the fullest extent for the regular Air Forces in India; for giving unrestricted training to Indians to serve as R.A.F. pilots and as officers in the King's Commission; for Indianising the Indian Navy and also for extending all facilities and help to Indians in defence of India as is given to all other dominions of the British Commonwealth.

Sir, at this hour, I think, I should not take much time of the House to stress on the necessity, the utility and the importance of such a motion as this. These questions have been debated upon in this House very recently and also in other sessions. The importance of a motion like this has been further increased by the recent speech of the Secretary of State for India who has said that India must be prepared to defend Suez. The defence of Suez has become all the more important when the Italian forces are on their march towards the Gulf of Aden. So, I do not think I should take much time of the House in explaining the importance of the resolution. Sir, since the close of the last World War, Indian public opinion has been definitely advancing towards a goal, viz., responsibility in the matter of military defence and military policy of the Government of India. The Director of Public Information in his report on the Moral and Material Progress of India remarked: "In place of the old vague aspirations, the educated classes in India now put forward two concrete demands of a definite character. In the first place, they ask for the Indianisation of the King's commissioned ranks of the regular army. Secondly, for the expansion of the facilities which already exist for training in the Indian Territorial Force."

The Skeen Committee appointed in 1927 made the following among other important suggestions in their report—Indianisation of 50 per cent. of the total King's Commission before 1952 and opening of a military college in India before 1932. But unfortunately the suggestions of this Committee were not accepted by the Government of India. The Defence Sub-Committee of the Round Table Conference observed that, "The political principle upon which we have expressed our opinion with regard to defence is that India should be in a position to take over her defence as soon as possible." With that end in view they passed the following resolution:—

"This Sub-Committee consider that the defence of India ought to an increasing extent be the concern of the Indian Government alone. In order to give effect to this policy, a training college should be established in India at the earliest possible moment in order to train candidates for the Commission in all armies of the Indian Defence Forces."

According to the suggestion of the Sub-Committee, the Government of India appointed an Expert Committee presided over by the then Commander-in-Chief, Sir Phillip Chetwood, and that Committee also reported regarding Indianisation of all Armed Defence Forces, King's Regular Forces; but up to this time nothing tangible has been done to give Indians training and to afford all sorts of facilities for Indians.

Sir, this was not so 150 years ago. Sir Malcolm Setony says, "It interesting to note that the earlier Sepoy battalions were commanded by their own Indian officers, and though Lord Clive added British

officers and men to the Indian battalions, still Indian officers commanded the Sepoy battalions." It is a strange irony of fate that the very Indians, who some 150 years ago commanded not only exclusively Indian Regiment but Indian Regiment consisting of Indian and European soldiers, to-day are not fit to command even Indian soldiers. Sir, I have emphasised in my resolution the removal of the distinction between martial and non-martial races. Unfortunately, we Bengalis are now dubbed as non-martial. When the British took over charge, there was no such distinction. It may be said that for their self-interest, for safeguarding their interest, they have shut the door to the Mussalmans. The Mussalmans then manned the Indian Army. Sir, the very Bengalis who have created wonders and have proved their valour, have thus been shut out from the Army. Is there any soul who can now maintain that Bengalis cannot prove their valour, cannot prove their merits, cannot prove their worth in the Army also? Sir, Bengalis are the largest in India and are admittedly superior in intellect and in other respects, and there is no reason why they should be shut out from the Army.

The Second part of my resolution is with regard to the training and employing of Indian officers for all regular air forces in India. It is very unfortunate that though a large number of Indians are now being selected for training in the air force, from the recent speech of the Secretary of State for India, it appears that the R.A.F. has not been opened to Indian officers. I may cite one instance of the enthusiasm of the Indians for serving in the air force. Sir, applications were invited for training of pilots in the Indian Air Force. Eighteen thousand applications were received and out of these four thousand were considered well-qualified in all respects. This shows the enthusiasm for this sort of training but unfortunately, still the Royal Air Force is barred to the Indians. So, I have purposely included that also.

As regards Commission in the King's regular army, there are altogether 4,000 commissioned officers—according to some 6,000—of which 2,800 are King's Commission; but there are very few Indians in the King's Commission. For the Indians a special Commission, that is, the Viceroy's Commission, has been created, which is inferior to that of the King's Royal Commission. If we want to have all the commissions Indianised, we would want more men for filling up the posts. The Indians will require training for that. There is at present only the Royal Military College at Dehra Dun which will take about 50 years or more to have the Indians trained for all the commissions.

As regards the Navy, it is said that India has got the largest sea-coast which will require a very efficient and expansive navy to protect from external aggression. The number of Indian students selected for

training for the Navy is very meagre. It is necessary that more Indians should be trained and that the Indian Navy should be Indianised.

Sir, I need not take more time of the House. With these few words, I commend my motion to the House for acceptance.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble President of the Bengal Legislative Council with a request to His Excellency to make a strong representation to His Excellency the Viceroy of India and through him to His Majesty's Government in England, urging on them the need for the abolition of the distinction between martial and non-martial classes in India; for emphasising the immediate necessity of training and employing Indian officers to the fullest extent for the regular Air Forces of India; for giving unrestricted training to Indians to serve as R.A.F. pilots and as officers in the King's Commission; for Indianising the Indian Navy and also for extending all facilities and help to Indians in defence of India as is given to all other Dominions of the British Commonwealth.

Mr. LALIT CHANDRA DAS: Sir, to this I have an amendment. If you will permit me to move, I will do so.

Mr. PRESIDENT: I received notice of an amendment from Mr. Das covering three pages at 2 p.m. to-day. After much consideration, I have decided not to accept such short-notice amendments in future. I rule it out of order.

Mr. HUMAYUN KABIR: Mr. President, Sir, I believe that this resolution will be agreeable to members on all sides of the House. In some respects, it is very similar to a resolution which this Council passed on an earlier date this very session, and that resolution was passed unanimously. I rise to support this motion in order to emphasise only one or two aspects of the problems which have been stated by my honourable friend Mr. Nur Ahmed. The first is with regard to the distinction between martial and non-martial classes in India. This, Sir, as you know, is absolutely an artificial and unjustified distinction, a distinction which we have heard about only since the year 1857. It is common knowledge to anyone who has studied Indian history that before the year 1857, these non-martial races in many cases helped the British to acquire control over territories which were occupied by the martial races and, therefore, Sir, if before 1857, in very many cases the so-called non-martial races were soldiers at least as competent as the martial races of India, this distinction is absolutely unjustified. Again, Sir, from the history of India we find that this distinction has never been recognised in any earlier period. At

different times there have been different powers in different parts of India. Sometimes we have had a hegemony from the Gangetic plains, sometimes a hegemony which started from the plains of the Indus, and sometimes even a hegemony which started from the south. In different areas people have arisen and have given evidence of their martial prowess. Therefore, this distinction which is absolutely an artificial creation and which to-day seems to be going under the stress of events, should go immediately, and the sooner it goes the better for all concerned. Recently I believe that some recognition of the unjustifiability and arbitrary character of the distinction between martial and non-martial races has been made in a notification which says that for the recruitment of one lakh of soldiers for the Indian Army this distinction would not be made. But, unfortunately, Sir, even though the distinction is professed to have been given up, it has not actually been given up in practice; even to-day there is no attempt to recruit for the Army on a large scale in those provinces which for the last sixty or seventy years have been dubbed as non-martial.

Then, there is the question of having a regular air force for India, and here I shall repeat what the Hon'ble Minister told us the other day. He had on very good authority from persons who are connected with the Army and the Air Forces that the recruits from this province had proved themselves very capable and that some of them had proved themselves to be very good pilots. Therefore, there is no reason why they should not be taken in larger numbers when they appear to possess all the capabilities and qualifications which are necessary for skilled air pilots.

Then, with regard to the Indianising of the Indian Navy, this also is being recognised, though very belatedly. That the Bengalis are a maritime race is a fact which cannot be disputed. Even to-day there is hardly any merchant's vessel or ship which can sail on the seas without its complement of Indian sailors. The *khalasis* hailing from Chittagong, Tippera, Noakhali, and Barisal are even to-day an indispensable element of the Indian Navy and the mercantile marine sailing all over the world. There is no reason, Sir, why with such fine material we should not have our own sailors and officers in the Indian Navy—I am sorry, Sir, we have no Navy at all, there is no such thing as Indian Navy—but there is evidence to show from Indian history that till very recently India had a Navy of its own and Indian sailors were as competent as sailors of other countries, and there is evidence also that there was a flourishing ship-building industry in this province. Therefore, this resolution only emphasises certain facts which are recognised on all sides of the House to-day.

Sir, I hope this resolution will be carried by this House without any difference of opinion, and I have confidence that the Government of Bengal and also the Hon'ble the Home Minister will not merely forward

our recommendation as a formal matter—I am sorry, Sir, for my mistake, because it will have to be sent through you—I hope you, Sir, will exert all your efforts in requesting His Excellency to make a strong representation on our behalf, as suggested in this resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this is one of those subjects for which the Government of Bengal are not responsible. So, all we can do is to forward the report of the debate to the Government of India. But before sitting down I may give some information to the members of this House—information which is not official but information which I have got from newspapers—and it is that the difference between martial and non-martial race has been withdrawn as far as recruitment is concerned. I read that in the paper somewhere.

I have heard what the hon'ble member from Faridpur has said about the *bhils*. He said some unkind words about the *bhil* areas of Faridpur. But the fact remains that so far as the air force is concerned, there is no prejudice against Bengalis, and Bengalis, as a matter of fact, are being recruited in large number now—(Mr. LALIT CHANDRA DAS: How many?) I have not got the figures; but quite a good number has been recruited recently—the ex-captain of the Muhammadan Sporting, Mr. Abbas, has got a commission, and he and others have gone for training. I know definitely that the Government of India are trying to take as many Indians and as many Bengalis as are found suitable, but the difficulty about increasing the number of air-pilot is that for every pilot that has to be trained it is necessary to have four other men as technicians, as assistants, because they are essential for every bombing aeroplane. At the present moment, both air-pilots and technicians are being recruited in India.

There is one other point, Sir, to which I would like to draw the attention of the honourable members and that is about the Indian Navy. To begin with, in this House and in other places we are always asking that Bengalis should be recruited to the Army, Navy and Air Force; but as far as Bengalis are concerned, they are not taking advantage of the facilities. I may point out that in the Dufferin Training School where a certain number of Indian boys are being trained and where recruitment is made for the Indian Navy and Mercantile Navy, the number of boys going from Bengal is very few—as a matter of fact, one or two in a year. So, the number of Bengali boys going there is negligible, whereas boys from the Punjab are going there in large numbers for training. I have seen a film of the Indian Navy—a private show—and there I found that recruitment is being made mostly from among the Punjabis. Although Bengalis are born sailors which everybody knows, yet they do not come forward and join

the Dufferin School, whereas the Punjabis are going there for training. The Bengalis do not take any interest in the matter—

Mr. HUMAYUN KABIR: Are there recruitment centres in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, but there are recruiting centres in Bombay. When Punjabis are going there from the Punjab, there is no reason why Bengalis should not go there also. Then, again, take for instance the Military College at Dehra Dun: the number of Bengalis going there for military training is very few. Now, Sir, if there are training centres which are open to men of all provinces, it is our duty to see that our boys go there and get admitted—

Mr. LALIT CHANDRA DAS: Poor men cannot afford to go there.

The Hon'ble Khwaja Sir NAZIMUDDIN: You cannot have both ways. If you want to have Bengali officers in the Army, you must send boys who will be able to pay the expenses. Take the case of Dufferin School. The Government of Bengal are prepared to give scholarships provided more boys go there. This is a question of making the boys go there and of the parents taking interest in the matter.

I would particularly draw the attention of the honourable members and through them of the general public to the facilities that are being granted by the Dufferin Training School and the Indian Navy where Bengalis could go in large numbers and obtain admission in both these places for being trained.

Mr. PRESIDENT: The question before the House is the motion of Mr. Nur Ahmed: that this Council is of opinion that an address be presented to His Excellency the Governor of Bengal, through the Hon'ble President of the Bengal Legislative Council, with a request to His Excellency to make a strong representation to His Excellency the Viceroy of India and through him to His Majesty's Government in England, urging on them the need for the abolition of the distinction between martial and non-martial classes in India; for emphasising the immediate necessity of training and employing Indian officers to the fullest extent for all the regular Air Forces of India; for giving unregistered training to Indians to serve as R. A. F. pilots and as officers in the King's Commission and also for Indianising the Indian Navy and extending all facilities and help to Indians in defence of India as is given to all other Dominions of the British Commonwealth.

(The motion was agreed to.)

NON-OFFICIAL RESOLUTIONS

Mr. PRESIDENT: The House will now resume discussion on the resolution of Mr. Birendra Kishore Roy Chowdhury: that this Council is of opinion that during the period of war, no official Bill evoking any communal or economic controversy should be introduced in either House of the Legislature.

Maulvi ABUL QUASEM: Mr. President, Sir, this resolution virtually asks that Government should cease to perform its essential functions. The resolution says that the Council should express the opinion that no official Bills, that is, no Bills sponsored by Government, should be introduced in either House of our Legislature which is likely to evoke communal or economic controversy. The reason given by the honourable mover was that the country being now at war, efforts of everybody in India should be bent towards its successful prosecution. Sir, the honourable mover of this motion belongs to the Congress Party in this Council. As he has been allowed to move this motion formally in this House, I suppose, he has the support of his whole party with him. Sir, it is too well-known that the Congress has not shown the least desire to have anything to do with the prosecution of the war in which the British Empire is now engaged—(Mr. LALIT CHANDRA DÁS: Question.) But no questioning can alter facts. The Congress has withdrawn the Congress Ministries and it has declared that unless the British Government in Great Britain at once declare India to be independent and hand over the administration of India, body and soul, to the Congress, it will have nothing to do with Great Britain in the prosecution of the war.

Well, Sir, much to my surprise now I find a member of the Congress Party proposing that for the successful and concentrated and intensive prosecution of war the Government of Bengal should cease their legitimate functions. One could have understood the real position if such a motion had been brought forward in the other House as well and if the Congress Party had shown their earnestness in the matter by suggesting that the Indian constitution should be held in abeyance during the duration of the war, and that the money spent on the Ministers, Speakers and Presidents and members of the Legislature should be utilised for payment to the War Purposes Fund. That would have been a test of sincerity and seriousness behind this proposal. I wondered at first if it was a serious proposal at all, but one has got to take it in the fashion in which one is accustomed to take a thing in this House. The other day I remarked that I was a new-comer here and that I expected proposals to be made here in all seriousness; but I find that motions are moved here by members which do not

seem at all serious and well-thought-out and which it is impossible to give effect to. There is nothing serious behind them—

Mr. PRESIDENT: Order, order. You will not be in order to cast any reflection on the proceedings of this House.

Maulvi ABUL QUASEM: I am not casting any reflection on any of the proceedings of this House. I am just giving my impression about the proceedings produced in my mind.

Well, Sir, what I am aiming at is this: as my friend Mr. Nur Ahmed has submitted, who is to judge what is a communal or economic question which is likely to give rise to a controversy? I suppose, whatever will be dubbed as a communal or economic or controversial matter by the opposition, Government will at once have to submit to that reading of the situation. Well, Sir, it is impossible and I may also say an absurd situation.

Now, Sir, let us suppose that Government thinks that a particular class of people during the stress of the war are suffering from a very bad condition of affairs. Government makes a proposal that something should be done to ameliorate their condition. I give an instance: only the other day the two Houses of the Legislature passed the Money-lenders Bill. It has been alleged that this Bill is meant to crush the Hindu money-lending classes, the Hindu middle-classes; and because it was meant to do some good to the poor people who suffer from indebtedness, such a measure would be taboo if this resolution were accepted. Suppose, Government thought that an intensive effort to make the villages healthy is necessary. People from the Hindu community, from which most of the doctors are drawn who make their living out of the illness and sickness of the people, may very well say that it is an economic question and it will affect the livelihood of a large number of people, and so Government will have to drop it.

Again, Sir, suppose that for the successful prosecution of the war Government propose that additional taxation should be imposed. That will certainly give rise to an economic controversy. But if the proposal is withdrawn, the prosecution of the war cannot be carried on successfully. The mover of the resolution will do well to try and persuade the so-called Nationalist Press to eschew everything controversial during the war before he seeks to persuade others that he and the members of his party in this House are sincere in their professions

that nothing should be done to divert attention from the successful prosecution of the war. As it is, the proposal is absurd and cannot be seriously considered.

Mr. HUMAYUN KABIR: Mr. President, Sir, I confess that I admire the intention of the honourable mover of this resolution, but I am afraid that the admiration cannot extend very much further. I agree with my honourable friend who has just now sat down that, if a resolution of this type is carried, it would mean practically a cessation of all activities. I, with my honourable friend the mover of the resolution, wish for the day when not only during the period of the war but at all times all sorts of controversial questions should be avoided. That is certainly an ideal which is to be aimed at by every member of this House, and not only by members of this House but also by people all over the world, and yet as a matter of fact, we do find that whenever anybody wants to do anything good, well, there is opposition to it. You cannot very often say what is communal and what is economic, what will arouse a controversy and what will not arouse a controversy. My honourable friend who has just now sat down has given a few examples, but any number of examples can be multiplied. Anything which you want to do is bound to have certain effects, and particularly measures which might be brought forward by the Government, and it is generally known that in many cases not only in this country but all over the world, whenever something has been done which has affected the vested interests, the vested interests have always brought forward some colourable pretext, some cry of ideal, or some cover of attack on religion or culture or some such slogan in order to defend their vested interests. It is, therefore, that we have had so great a realist in politics as Lenin to say—with what justification we need not judge—that even a thing like religion may be used as opium on the people. Well, Sir, whatever the question that is raised, you can always find some people to say something for it and something against it. If the question is of any importance at all, it is bound to arouse controversy, it is bound to affect the interests of certain persons. I think my honourable friend who has moved this resolution will be at one with me when I say that we all desire that there should be better justice in the world as a whole, there should be a more equitable distribution of property, there should be less inequality between man and man, there should be less conflict between the interests of different groups. If you want a better distribution of wealth, if you want better justice among different groups of individuals, these will certainly affect the interests of those who to-day are in possession of vested interests. Therefore, you cannot do the greatest good to society, you cannot do good to the largest number of people, you cannot do greatest good to the greatest majority of the people without interfering with

the interests of certain classes of people, who have reserved in their hands all the wealth—in certain cases it may also be the culture—and all the property of the country. Controversies will be aroused, economic and communal issues will be raised, and therefore any measure which seeks to do any good to the great majority must tread upon the corn of certain vested interests.

Therefore, I feel that a resolution of this type cannot be accepted by this House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, after the scathing comment of Mr. Abul Quasem and the cold logical speech of Mr. Humayun Kabir, there is very little left for me to say except to point out that even Mr. Abul Quasem had gone a little bit further when he said that Government will consider this proposition, provided there was an assurance from the Congress Party that they will give their whole-hearted support to the war if Government were to refrain from bringing in any controversial measures—

Mr. HUMAYUN KABIR: Will Government resign in that case, because acceptance of this resolution means resignation of Government?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the resignation of Government will be controversial. That cannot be done.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it will be worth considering. But the real difficulties apart from all these objections is this: who is going to judge what is communal and what is going to excite economic controversies? For example, there are people who have maintained that the second Calcutta Municipal Bill is a communal Bill. The main objection to that Bill is, first of all, that the Government have suggested that there should be a Public Service Commission for making appointments. How the Public Service Commission is going to affect only the Hindus and not the Muslims is absolutely beyond my comprehension. Similarly, there are other measures proposed in that Bill which has nothing to do whatever with one community or the other. Yet, that Bill has been declared as one of the most communal Bills and a great deal of agitation is being manufactured against that Bill. Similarly, the Secondary Education Bill that has been introduced by Government and the necessity for which has been recognized for the last ten years, if not more, is now being declared as a communal Bill, and again another agitation is being launched on that account. So, who is going to judge which is a communal Bill? (Mr. LALIT CHANDRA DAS: Public.) Who is the public unless you take a referendum? (Mr. LALIT CHANDRA DAS: As expressed at public meetings.) Public meetings! You can have just the other way as well. Do not think that you are the only persons who can hold public

meetings. There are others also who can hold public meetings. It is not the old Government that you can threaten with public meetings. If public meetings are required, you can have hundreds of thousands saying that these Bills are necessary. So that game won't do.

As I say, this proposition is not tenable because of the fact that we have got no means to decide what is communal and what is non-communal. (Mr. LALIT CHANDRA DAS: Public opinion.) Public opinion as expressed by the majority will be not in your favour. As I have stated, if you hold meetings both in Comilla and Chittagong districts, these measures will be supported by a very strong majority, and if that will be the test, we are ready to accept it.

Therefore, I think that I should not take any more time of this House on this. Government oppose this resolution.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I was listening with great interest to the comments which have been made on the resolution I had the honour to move the other day in this Chamber. It has been stressed by my friends, Khan Bahadur Naziruddin Ahmad, Mr. Nur Ahmed, Mr. Abul Quasem and the Hon'ble the Home Minister, in the course of their speeches, that the Bills which I have described as of a most controversial character are necessary in order to improve the position of the Muslim community which has been for decades so backward in this province. But, Sir, it is my conviction that for the legitimate improvement of the conditions of life, either of the Muslim, or for the matter of that, of any other community in Bengal, many of the Bills which are now on the legislative anvil and which are widening the gulf between one group of people and another, are not in the least necessary. I should like, Sir, to emphasise the fact that it is open to the Government to undertake necessary reforms for the amelioration of most social and economic grievances of our people without resorting to such drastic Bills as may threaten to divide the province into warring groups. That the Bills are emphatically controversial is evident from the general trend of public opinion in Bengal to-day.

As regards the Congress standpoint which the Hon'ble Home Minister referred to, I may humbly state that although Congress has not co-operated so far with the Government in the conduct of the present war, it will certainly come forward to do so as soon as the Imperialistic principles are abandoned by His Majesty's Government and other necessary conditions created in this country.

To my mind, Sir, if the Government is serious at all about its war efforts, the first thing that it ought to do is to withdraw all the measures which are of a controversial character and which are the greatest obstacle to communal and class harmony in Bengal.

With these few words in reply to the criticisms which have been made on my resolution, I commend it to the acceptance of this House.

Mr. PRESIDENT: The question before the House is the resolution of Mr. Birendra Kishore Roy Chowdhury that: this Council is of opinion that during the period of war, no official Bill evoking any communal or economic controversy should be introduced in either House of the Legislature.

(The resolution was negatived.)

Khan Bahadur ATAUR RAHMAN: Mr. President, Sir, I beg to move the following resolution:—

“This Council is of opinion that the Government should immediately appoint a Committee consisting of twelve members of the Legislature to enquire into the grievances of the clerks of the district offices of Bengal in general and of the Muslim clerks in particular, regarding appointment, transfer, distribution of work, leave and holidays, position in the gradation list, promotion in permanent as well as in officiating vacancies and all other matters that may come up before the said Committee during the time of the enquiry.”

Sir, anyone who is in touch with or has got some experience of the working of the district offices and who knows something of the manner in which some of the subordinate clerks are victimised by the superior ministerial heads will agree with me that there are cases which require thorough examination. I do not say that this is due to the inefficiency of the District Officers, but it is due to the fact that District Officers leave matters in the hands of their ministerial heads, who are either called Sheristadar or Head Assistant or Superintendent. These men are generally recruited from the rank. Of course, I do not grudge them their promotion. They well deserve promotion, but unfortunately some of them have got some favourites in the office in the ranks from which they rose, and these favourites of the Burra Babus on many occasions supersede their seniors who deserve promotion. Not only that; these unfortunate clerks, who are not in the good books of the “Burra Babu”, are placed in such a position that they cannot show their merit, and after some time they are declared unfit and proceedings are drawn up against them, preliminary to their dismissal. Such is the general state of affairs in many of the offices.

I could well have stopped here, Sir, but I should like to say a few words regarding the conditions of Muslim clerks in particular. Recently in this House a question was asked regarding the panel of Superintendents in the Collectorates. A question was asked as to how many men had been selected for Superintendentship and how many of them were Muslims. The Hon'ble Minister in reply said that he could not even give out the number of Muslims selected in the panel

because it was confidential and that even the total number so selected was also confidential. From this answer my impression was that there might be no Muslim selected in the panel for Superintendentship. Even at the present moment, I think, in the 26 districts in Bengal there are very few Burra Babus who are Muslims. Naturally, therefore, Muslim subordinate clerks are sometimes, I do not say always, but frequently, victimised. As a matter of fact, some cases have been brought to our notice where the Muslim subordinates have not got fair justice at the hands of their Burra Babus. Even in the case of a leave vacancy, if a Muslim clerk happens to be the seniormost and promotion is due to him, he is sometimes declared unfit. Such things, Sir, have happened at various places. We, therefore, request Government to appoint a Committee of Enquiry for investigation into this matter. With these few words, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that the Government should immediately appoint a Committee consisting of twelve members of the Legislature to enquire into the grievances of the clerks of the district offices of Bengal in general and of the Muslim clerks in particular, regarding appointment, transfer, distribution of work, leave and holidays, position in the gradation list, promotion in permanent as well as in officiating vacancies and all other matters that they come up before the said Committee during the time of the enquiry.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that this Council is of opinion that for all the words beginning with "immediately appoint" to the end, the following be substituted, namely:—

"have a thorough enquiry made immediately in such manner as the Government think proper into the grievances of the clerks of the district offices of Bengal in general, and of the Muslim clerks in particular, with special reference to the existing rules, regulations and other incidents relating to their appointments, transfer, distribution of duties, status in service, leave, holidays, promotion and such other matters as may be deemed necessary and to submit as early as possible suggestion of appropriate remedies thereon."

Sir, by this amendment I only want to change the procedure by and the manner in which the investigation should be made. I have carefully read the text of the resolution and I hope my amendment would prove more acceptable to the House. These clerks form a link, a very important link, in the administration of the province. It is admitted that they have got grievances, and that with the inauguration of autonomous Government they have become very articulate for securing

redress of their grievances. I think most of the honourable members have been at one time or another approached by these clerks with their grievances. It is true that sometimes grave injustice is done to them; sometimes, they say, they are unjustly dismissed. It seems that there is no uniformity in the rules regulating their services, but that everything depends on the whims of superior officers and on the convention that has been created in every district. It may be remembered that some questions were asked in this House about the grievances of some clerks in the Chittagong District Judge's office. Similarly, Sir, questions have been put with regard to other district offices. It is desirable that an enquiry should be made; if so, what should be the method of that enquiry? It is a question of enquiry into the conduct of certain Government servants, and a responsible Government ought to be in a better position than a non-official body to make an enquiry into the grievances of subordinate officers against them. If a Committee of Enquiry consisting of 12 members of the Legislature, that is to say, of 12 members of this and the other House, be formed, that Non-official Committee would be confronted with some initial difficulty. This Committee would have to tour from district to district to take evidence, but in their work they will be confronted with difficulties because the subordinate clerks would hesitate to come forward for fear of incurring the wrath of their superiors and also because it will be difficult for them to have access to confidential records as to how promotions as well as dismissals have been made. Besides, the Committee being of a non-official character, such records might not be available to them. Thirdly, from the economic point of view also, such a Committee would be a very costly affair. From all these considerations, Sir, I suggest that the matter be left to Government, urging at the same time that an immediate enquiry should be made.

With these few words, Sir, I move my amendment.

Mr. PRESIDENT: Amendment moved that for all the words beginning with "immediately appoint" to the end of Resolution of Khan Bahadur Ataur Rahman, the following be substituted, namely:—

"have a thorough enquiry made immediately in such manner as the Government think proper into the grievances of the clerks of the district offices of Bengal in general, and of the Muslim clerks in particular, with special reference to the existing rules, regulations and other incidents relating to their appointments, transfer, distribution of duties, status in service, leave, holidays, promotion and such other matters as may be deemed necessary and to submit as early as possible suggestion of appropriate remedies thereon."

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I rise to support the amendment moved by my friend, Mr. Nur Ahmed. I had also given notice of another resolution which was identical with the one moved by Khan Bahadur Ataur Rahman, but on a consideration of the arguments advanced by Mr. Nur Ahmed I think we should better accept the suggestions made in his amendment. The grievances of the clerks in the district offices require careful consideration and investigation. They are suffering hardships under the little despots in district offices known as Office Superintendents. This is not the case in Burdwan alone, but we hear complaints coming from all corners of the province. Burdwan has certainly led to certain disclosures, but the disease is not confined to Burdwan alone. Burdwan is only an example of the type of injustice which is to be found throughout Bengal. It is perhaps within the recollection of this House that with regard to Burdwan, a question was asked by Khan Bahadur Saiyed Muazzamuddin Hosain about the gradation list. You know, Sir, that a gradation list is kept in all district offices. It contains in a serial order the names of all the clerks showing their gradation, that is, their respective seniority in grade. Now, according to Sir Bijoy Prasad Singh Roy who in an unguarded moment had given it out, the register can be written, corrected or amended only by the Collector. I say with great respect that I believe this was an unguarded admission because later questions which attempted to elicit further information made him resile from that position. In fact, it came to this, that there was a clerk whose name was Babu Kanti Chandra Addy—.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order, Sir? That particular case is not before us, and I have not got the replies to the supplementary questions before me. I would, therefore, request my honourable friend not to make any reference to a particular case.

Mr. PRESIDENT: I would request the honourable member not to refer to any particular person by name because he cannot be here to defend his case.

Khan Bahadur NAZIRUDDIN AHMAD: Very well, Sir, I will not mention names. But I entirely differ from the Hon'ble Sir Bijoy Prasad that I cannot refer to any particular case although I respectfully agree with you, Sir, that I should not mention the names of the persons concerned. I should point out to Sir Bijoy Prasad that in the course of a previous debate on a similar resolution the point taken by Government was that unless specific cases were cited, it would be impossible to take any action. I have carefully studied that debate and the volume

is now before me. That was the specific case made by Sir Nazimuddin as representing the Revenue Department on that occasion. But now when we are citing specific cases in accordance with that suggestion, we are confronted with the opposite objection that we cannot refer to any particular case because the report of the debate is not with the Hon'ble Minister.

MR. PRESIDENT: Order, order. The point is that the honourable member is fully justified in sending the names to Government but in discussing here in public it is desirable not to mention particular persons by name because they are not present here to answer the charges against them. I would, therefore, request you to avoid, as far as practicable, mentioning the names of particular persons.

Khan Bahadur NAZIRUDDIN AHMAD: I bow down to your ruling, Sir. I shall not mention names of the individuals concerned, but I think I can refer to the cases without mentioning their names in so far as such cases would go to support the point of this resolution.

Now, to come back to the interpolations. It is admitted that there is a register which is sacrosanct and which can only be changed by the Collector himself. On another day we had another admission from Hon'ble Sir Bijoy Prasad when he refrained from using the word "interpolation" but admitted that there was a "change" in the entry which was done by a person who was to be benefited by that change, and that this was done by him under the orders of the Office Superintendent. Further questions elicited the information that the Office Superintendent was no longer in Burdwan since 1933 and that there was no written record to prove this order. And ultimately the Hon'ble Minister had to rely on surmises and conjectures and he began a series of arguments instead of giving clear answers to questions of fact. Instead of giving information, he argued that as these things were done as a matter of routine work, there must have been some sort of order by the Office Superintendent, and as the Office Superintendent was absent and as there was nothing on record, so he assumed that there must have been some verbal order by the Office Superintendent. We wanted facts and he gave us arguments. Boiled down, his reply came to this: there must have been some order; as the order was not written, so we must be driven to the other alternative—that there was some verbal order. Now, Sir, I submit that the gradation list is an extremely important document, and it is to be corrected and amended by the Collector alone and by nobody else. That is a position accepted by the Government. I, therefore, entirely fail to see how anybody else can make changes in the register so as to benefit himself and how any Superintendent's order or connivance can help the situation. Now, the

effect of an anxious support by Sir Bijoy to a transaction of this kind has been that the man who was involved in this "change," this daring interpolation—which in the language of the Penal Code amounts to nothing but forgery—has been promoted, and others who were prejudicially affected thereby have been punished. Thus, Sir, you have rewarded the wrong-doer and punished the victims of the crime. This is how matters stand. In these circumstances, it is necessary that there should be an enquiry. This is a specific case that I was forced to bring to the notice of the Hon'ble Minister because we were challenged to submit individual cases. There is the case of another man which was raised by a certain question put forth by Khan Bahadur Aatur Rahman. It is to be found in Volume III of the Council debates of 1939-40, at page 203. It will be found that a clerk who was 107th in the graduation list got sudden promotion. On the question being driven further, Sir Nazimuddin, replying for Sir Bijoy Prasad, said that he was a stamp clerk, and so he had to give security; and as others did not offer any security, they were superseded. So far as I know, the Hon'ble Minister would be able to verify the fact that there were many others who had offered to give security and had also experience to their credit. Now, the man who was 107th in the list and who had no experience of stamp work, was allowed to supersede no less than 106 clerks who were senior to him who had experience of this class of work and had also agreed to give security. Yet, I am told, the report went to the higher authorities that the lucky man had experience. I am further told that after the report he was given gradual training. As a stamp clerk he made serious mistakes. He sold a non-judicial stamp to a litigant who wanted a judicial stamp for a case and he had endless trouble over this. Yet nothing has been done for it. A Special Officer has been deputed to inquire about the grievances of the clerks. Unless he goes deeper into the problem, his work will not be useful. We think, Sir, that a very sifting enquiry is necessary, and unless that is done it will not be useful. In these circumstances, I submit that Government should accept the motion.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nahipur:
Mr. President, Sir, so far as the principle of the resolution is concerned, I rise to support it wholeheartedly, and I do so on behalf of my Party. Sir, I had an occasion to preside over the Ministerial Officers' Conference held some time ago when I got the impression that there were genuine grievances of the clerks and other ministerial officers in the districts. I found also, Sir, that in some cases their promotion, discharge or otherwise had been deferred by the superior officers due to partial treatment, sometimes due to favouritism of one clerk and so forth. But I do not like to give illustration after illustration as my friend the Khan Bahadur has done, but in general I can say that there are grievances which require careful consideration, as some of their

grievances are just. But, Sir, I do not admit that they refer to only one community as the resolution says. It has been said in the resolution, "grievances of Muslim clerks, in particular." If a Committee is appointed, then it will go into everything, and if there is anything wrong whether with regard to Hindus, Muslims or Christians, that will be rectified. So, it is not necessary to give it a communal colour. On the other hand, if a Committee is to be appointed, it should consist of both Muslims and Hindus and others so as to be of a representative character. In any case, I think it is desirable that a Committee should be appointed to satisfy the public. It may be said that Government do feel sometimes a little bit harassed. But after all, it is a popular Government, and I think to satisfy the people Government should accept this resolution. The recommendations of the Committee will be forwarded to Government, and they will deal ultimately with those recommendations. It is not obligatory on the part of Government to accept their recommendations *in toto*, but they will be in a position, on the other hand, to see how things are going on, whether there is any partiality or impartiality in treatment or whether there is any dishonesty. All the facts will be revealed to them and they can decide according to the recommendations of the Committee.

With these words, I support the motion.

Khan Bahadur M. SHAMSUZZOHA: Sir, I beg to give my whole-hearted support to the motion moved by my friend, Khan Bahadur Ataur Rahman. It has already been said by previous speakers that some questions were put on behalf of our Party to ascertain whether there were some grievances on the part of several clerks of the district offices. I also moved a resolution in respect of setting up an Appeal Board to consider the question of promotion of clerks in district offices. I had to withdraw that resolution on the assurance that sympathetic consideration would be paid to the question that I raised on that occasion. Sir, that was one of the many questions that vitally affect the prospects of a large section of people who have been working under the Government and really bear the brunt of the administration.

It is a pity, Sir, whenever some important questions are put up before responsible leaders of our country on behalf of a certain class of people or community on vital matters touching their welfare and advancement, they are unfortunately characterised as communal, simply—and I maintain most untenably—on the ground that they emanate from a certain class or community. Sir, when we, as responsible members of the Legislature commanding the respect of all communities and classes of people within the province, find that there is a grievance which is really felt by some section of the public, it is our solemn duty to look into those grievances dispassionately and try to meet them as far as it lies in our power. Sir, it is admitted by all the

clerks in the district offices in Bengal that a particular community has monopolised all the higher offices there and has been enjoying the loaves and fishes thereof. It is really a question to be thought of and pondered over as to why in the 26 districts of Bengal very few Muslims have up till now been raised to the status of Superintendents or Sheristadars or Head Clerks and Accountants? It is also to be seriously considered whether from amongst hundreds of Muslim clerks of several departments in the district offices, there are available men competent to shoulder the responsibilities of a Sheristadar or an Office Superintendent or Head Clerk or Accountant in the offices of the District Magistrate, District Judge, Superintendent of Police, etc., in the districts all over Bengal. Really, it pains us on this side of the House to see that there are friends amongst us who cannot see eye to eye with us and who say that we are communally-minded. Really, all that we now plead for is justice, vision and imagination; because in a truly democratic and national State or Government, it is essential for its preservation and prosperity that every limb must be strong and all its component parts must feel that they are getting justice. We, the Muslims of Bengal, plead for broad-mindedness, toleration and justice. My appeal to the Government is to realise that mere acceptance of this resolution will not do. We do urge upon the Government to take immediate steps so that the real grievances of the clerks of all offices in the districts of Bengal, particularly of the Muslims, may be met. I may state here that since the withdrawal of my resolution, Government have not taken any steps, so far as I know, to meet the points that I raised therein. Now we strongly desire and hope that in fulfilment of the resolution that we pass this afternoon, the Government of the day will kindly take steps to appoint a Committee of Enquiry in whatever way they think best to remove the grievances of these people. I am sure that if they begin with a will and determination, the wrongs will be righted in as short a time as we expect them to be removed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the amendment which has been moved by my friend, Mr. Nur Ahmed. In doing so, I will only add a few words. It is an open secret that favouritism and nepotism are the order of the day in all the district offices in Bengal, and to concrete instances of such favouritism and nepotism we wanted to draw the attention of Government by putting questions in this Council some time back. But, Sir, in one case it was found that though the question was tabled on the basis of information from somebody who was not at all connected with the matter at issue, a particular clerk was victimised. Proceedings were drawn up against him, and he would have been dismissed but for the fact that I had to intervene. For saving him, only

I had to write to the Collector of the district saying that I had not got the information from that gentleman against whom proceedings had been drawn up. Sir, if by putting questions to Government justice to this class of people could be obtained, there would have been no necessity for a resolution like this. But we have found that ~~not~~ only Government is not at all willing to take any action, but even the District Officers resent our putting any question in matters like this in order to expose their vagaries. For this reason, it is absolutely necessary that a thorough enquiry should be made throughout the province to find out how favouritism and nepotism are playing their part in matters of promotion in the districts of Bengal.

I know, Sir, that in the matter of distribution of work a great deal of nepotism and favouritism is practised in district offices. I know of many efficient clerks being employed for merely pasting correction slips for years together, not being given any other work to do, not being allowed an opportunity to show their efficiency. Sir, we know there is valid grievance on the part of many an efficient clerk who are rotting in the mufassil district offices, who cannot show their ability—they are not given an opportunity—only because they are not the favourites of the head of the office. Sir, it is high time now that all these vagaries should be stopped and a thorough enquiry should be made.

With these words, Sir, I wholeheartedly support the amendment moved by Mr. Nur Ahmed.

Khan Bahadur ATAUR RAHMAN: Sir, I desire to accept the amendment proposed by Mr. Nur Ahmed. I am also thankful to the Raja Bahadur of Nashipur for his kind support to this motion, and I am sorry that there was a tinge of communalism in my speech—

Mr. PRESIDENT: Order, order. Are you replying to the debate?

Khan Bahadur ATAUR RAHMAN: No, Sir.

Mr. HUMAYUN KABIR: Sir, will you not give us an opportunity to speak?

Mr. PRESIDENT: I think it is hardly necessary to give an opportunity to every member to speak on a matter to which there is no opposition.

Mr. LALIT CHANDRA DAS: In view of the fact that we may give our qualified support to the resolution, we would like to move an amendment.

Mr. PRESIDENT: Order, order. I shall not accept notice of any amendment at this stage.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government have got nothing but admiration and sympathy for the loyal band of officers in whose interest this resolution has been moved. Government are always anxious to remove their grievances and to enquire into any allegations of unfairness against any particular officers, if such instances are brought to the notice of Government. In fact, I will not try to emulate the example of Khan Bahadur Naziruddin Ahmad by referring to any particular name, but speaking generally, in regard to all questions which are raised in this House, Government make it a point to refer them to local officers in order to ascertain the information and if they are convinced that there is a tinge of unfairness, they do show their disapproval without hesitation. That is a policy which this Government propose to follow. They have followed it during the last three years and they propose to follow it so long as they are in office.

As regards the resolution itself, Government have much pleasure to accept it in the amended form. Government are trying to do justice without any distinction of caste or creed and if any ministerial officers in certain matter do feel aggrieved because of the existence of certain rules about the distribution of work or promotion or any such matter—

Khan Bahadur NAZIRUDDIN AHMED: It is not the rules, but the officers concerned that are bad.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If Government on enquiry find that the grievances are genuine, they will not hesitate to change the rules. So, I hope this will satisfy the mover of the resolution, the mover of the amendment and those who have given support partially or fully to this resolution.

Government are always anxious to look into any grievances which are brought to their notice. In fact, whenever the Ministerial Officers' Association are inclined to bring a matter to the notice of Government they are cordially received and patiently listened to. On more than one occasion in the course of the last three years, I have received the representations of the Ministerial Officers' Association and other members of Government such as the Member, Board of Revenue, Secretary, Revenue Department, Secretary, Finance Department, have also received representations on certain matters during the last three years. So, I venture to submit that Government far from being unsympathetic to the grievances of these ministerial officers are always anxious to be fair and just to them. There are certain systems that have been functioning

for some time, there are certain rules that are being followed for a long time, and if those rules and those systems are unworkable or are operating harshly on the ministerial officers in a particular sphere, certainly they require change—

Khan Bahadur NAZIRUDDIN AHMED: It is not the rules, but the officers who are bad.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Our difficulty is that Government cannot bring about a change in human nature all on a sudden. But I hope that by change of rules they will try to infuse a sense of fairness and justice and encourage those who are in difficulties to bring forward their grievances to the notice of their superior officers and the Government. Sir, I think that is the proper and effective method of dealing with the matter, and I hope this will satisfy my friends the mover of the resolution and the mover of the amendment. Government are prepared to accept the resolution, as amended.

Khan Bahadur ATAUR RAHMAN: Sir, this is a matter which concerns the Judicial Department as well, and we should be glad if the Hon'ble Minister in charge of the Judicial Department would kindly give us an assurance that the grievances of the ministerial officers in the offices of the District Judges would also be included within the scope of this enquiry.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I was not aware that this resolution also refers to the grievances of clerks in the offices of the District Judges. Had this been explicitly and clearly stated in the body of the resolution, I would have come prepared for a suitable reply. I can, however, say this much that I have no objection to an official enquiry being held into the state of affairs in the offices of the District Judges.

Khan Bahadur ATAUR RAHMAN: Sir, we must thank the Government for their acceptance of the amended resolution and hope that effect to this resolution would be given as early as possible. Only a few minutes ago, I offered my thanks to the Raja Bahadur of Nashipur for his support to this resolution. Having been for some time the President of the All-Bengal Ministerial Officers' Association, he has more intimate knowledge of the present state of affairs than we have. He has only objected to the introduction of the words "Muslim clerks." Sir, I would not have done so, but for the fact, as has already been stated by my friend, Khan Bahadur Shamsuzzoha, that very few of the Burra Babus are Muslims and that, therefore, the Muslim subordinates suffer more than their Hindu colleagues belonging to the other communities. That is the reason why I have introduced the word

“Muslims.” After this explanation, I hope the Raja Bahadur of Nashipur will excuse me for what communalism has crept in in my speech and will support us *in toto*.

Mr. PRESIDENT: Resolution moved by Khan Bahadur Ataur Rahman: that this Council is of opinion that the Government should immediately appoint a Committee consisting of 12 members of the Legislature to enquire into the grievances of the clerks of the district offices of Bengal in general and of the Muslim clerks in particular, regarding appointment, transfer, distribution of work, leave and holidays, position in the gradation list, promotion in permanent as well as in officiating vacancies and all other matters that may come up before the said Committee during the time of the enquiry.

To this an amendment has been moved by Mr. Nur Ahmed that for all the words beginning with “immediately appoint” to the end, the following be substituted, namely:—

“have a thorough enquiry made immediately in such manner as the Government think proper into the grievances of the clerks of the district offices of Bengal in general and of the Muslim clerks in particular, with special reference to the existing rules, regulations and other incidents relating to their appointments, transfer, distribution of duties, status in service, leave, holidays, promotion and such other matters as may be deemed necessary and to submit as early as possible suggestion of appropriate remedies thereon.”

The question before the House is: that the amendment be made.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the amended resolution, namely:—

“This Council is of opinion that the Government should have a thorough enquiry made immediately in such manner as the Government think proper into the grievances of the clerks of the district offices of Bengal in general, and of the Muslim clerks in particular with special reference to the existing rules, regulations and other incidents relating to their appointments, transfer, distribution of duties, status in service, leave, holidays, promotion and such other matters as may be deemed necessary and to submit as early as possible suggestion of appropriate remedies thereon.”

be accepted.

(The motion was agreed to.)

MR. NUR AHMED: I beg to move that this Council is of opinion that an additional sum of one crore of rupees be set apart by the Government of Bengal in the course of 5 years in the budget estimate of successive years for the expansion and improvement of primary education in Bengal.

Sir, in moving this resolution I need hardly say that it is one of the most important problems to be tackled in Bengal. I do not think that I need take much time in impressing on the House the need for this allotment. It is an admitted fact that universal free and compulsory primary education is a substratum on which the super-structure of a nation's progress is constructed. No nation, no community, can expect to rise in this world without it.

Now, Sir, let us see how Bengal stands in this vitally important matter. Let us have a glimpse of the present condition of primary education in Bengal at this moment. Though the province of Bengal has got the largest number of schools—about 64,000 and odd at the rate of one school per 1·035 square mile—literacy has spread very slowly, it is doubtful whether it has spread at all. In the words of Mr. Biss, I may say that though the number of schools has increased, the number of illiterates has also increased awfully owing to increase of population. Increase of illiteracy is prevailing on a larger scale in Bengal than even malaria and other diseases. The increase of population has increased the bulk of illiteracy. Why is this so? It is mainly due to the unequal distribution of schools. Out of 109,594 villages in Bengal, 72,302 villages have no primary schools at all. Only 37,292 villages have got primary schools numbering about 61,502. Now, Sir, out of this only 12,429 are upper primary schools having all primary school classes—about 587 primary class schools are one-teacher schools where no literacy is produced. From the figures obtained from the Government of Bengal and from the Government of India, it will be seen that in 1937 out of 2,665,506 pupils reading in primary schools only 10,640 girls and 121,208 boys were in top classes—

MR. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 19th August, 1940.

Members absent.

The following members were absent from the meeting held on the 16th August, 1940:—

- (1) Mr. Kader Baksh.
- (2) Rai Bahadur Keshab Chandra Banerjee.
- (3) Mr. Hamidul Huq Chowdhury.
- (4) Mr. Narendra Chandra Datta.
- (5) Mr. Kamini Kumar Dutta. ,
- (6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (7) Mr. Mohamed Hossain.
- (8) Alhadj Khan Bahadur Shaikh Muhammad Jan.
- (9) Maulana Muhammad Akram Khan.
- (10) Mr. W. B. G. Laidlaw.
- (11) Sir T. Lamb.
- (12) Mr. Naresh Nath Mookerjee.
- (13) Dr. Radha Kumud Mookerjee.
- (14) Rai Bahadur Radhica Bhusan Roy.
- (15) Mr. W. F. Scott-Kerr.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Buildings, Calcutta, on Monday, the 19th August, 1940, at 2-15 p.m. being the thirteenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The appointment of a new Secretary of the Bengal Provincial Text-Book Committee.

71. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether a new Secretary has been appointed for the Bengal Provincial Text-Book Committee in place of the one who was working before in that capacity? What are the names of the new Secretary and the old Secretary who has been replaced by the new incumbent?

(b) Do Government propose to reserve this post for any particular community? If not, were there candidates of other communities with higher qualifications available for the post?

(c) Is it a fact that the new Secretary joined his post after the selection of text-books for last year was gazetted? Is it a fact that those text-books were examined by the different sub-committees of the Text-Book Committee and their recommendations were finally approved first by the committee as a whole and then by the Director of Public Instruction?

(d) Is it a fact that the new Secretary has asked one author to expunge from the Bengal Reader a piece under the caption of "Sikh Guru Tej Singh"?

(e) Is it a fact that two very distinguished educationists, one of whom is a Muhammadan and the other a learned Muslim M.L.A., reputed to be a poet, had examined the piece named "Sikh Guru Tej Singh" and found nothing wrong about it and that the Director of Public Instruction, finding no reason to differ from them, finally selected and incorporated it in his gazetted list?

(f) If so, has the new Secretary the power to discard any portion of any book finally selected by the authorities? If not, do Government propose to ask him to revoke his order?

(g) Do Government propose to revise the text-books and reopen the matter of selection of text-books? If so, do Government propose to put under a fresh examination only the approved books or even those which have been rejected?

(h) Is it not a fact that in the selection of text-books last year, many meritorious books written by well-known Hindu authors were rejected by the Bengal Provincial Text-Book Committee?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes: Mr. Kazi Abdul Wadud. Khan Bahadur Mr. Badiur Rahman.

(b) The post was reserved for a Muslim in accordance with the communal ratio laid down by Government.

(c) Yes.

(d) Yes, with the approval of the Director of Public Instruction.

(e) Yes, it may be that the extract in question escaped the notice of the reviewers.

(f) Yes, if instructed to do so by the Director of Public Instruction.

(g) and (h) No.

The appointment of a non-Bengali as Principal of the Serajganj College.

72. Mr. SRISH CHANDRA CHAKRAVERTI: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that a Muhammadan gentleman residing outside Bengal has been appointed as the Principal of Serajganj College?

(b) Is it a fact that no qualified Bengali Muhammadan was available for the post? If so, is that the reason for appointing the said gentleman to the post? If not, what are the reasons for such appointment?

(c) Was no Bengali Hindu available for the post? If so, on what grounds Bengali Hindus were not given a chance?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) It is understood that a qualified Bengali Muslim applied for the post, but that he did not appear before the Governing Body of the College at the time of interview. The appointee was selected by the votes of the majority of the members of the Governing Body.

(c) A Bengali Hindu was available. He was not selected by the Governing Body.

The progress of Moslem education in Bengal.

73. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that while on the 31st March, 1932, there was an increase of 297,835 Muslim pupils in Bengal, on the same date in 1937, the increase was only 218,420? Is it a fact that the Hindu and Christian pupils showed comparatively greater increase during the same period?

(b) Will the Hon'ble Minister be pleased to state if he had made any enquiry into the causes of this sudden set-back in the progress of Moslem education in Bengal?

(c) Will the Hon'ble Minister be pleased to state what steps he has taken or intends to take to accelerate the pace of Moslem education in Bengal?

(d) What is the number of scholarships and stipends that are granted by the Government of Bengal? Of these, how many are exclusively for Moslem students?

(e) How many new scholarships and stipends have been created for Moslems by the Government of Bengal for encouragement of Moslem education?

(f) Has the Government of Bengal given effect to the recommendations of the Moslem Education Advisory Committee regarding scholarships and stipends? If not, why not? When is the Government's resolution on the report of the Moslem Education Advisory Committee expected to be published? Why has it not been published so long?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes. There was further increase in the collegiate and higher stages, but the percentage of increase fell off in the case of the lower stages.

(b) There was no real set-back and I am not so much concerned to enquire into the reasons for past deficiencies as to take steps to improve the future position.

(c) In various directions steps have been taken to accelerate the pace of Moslem education. The following may be mentioned:—

- (i) there has been increased allotment for grant-in-aid to madrassahs, old and new;
- (ii) the normal provision of building grant to madrassahs has been increased;
- (iii) special grants have been paid to some Moslem institutions, such as the Calcutta Moslem Orphanage, Suri Girls' Maktab, etc.;
- (iv) scholarships and stipends for Moslems, both for boys and girls, have been increased;

- (v) the percentage of free-studentships to Moslem students has been raised;
- (vi) a college for Moslem girls named the Lady Brabourne College has been started in Calcutta from July, 1939; and
- (vii) a committee has been appointed to report on the improvement of madrassah education in Bengal.

(d) There are altogether 2,132 scholarships and stipends which are open to the students of all communities. Of these, 838 stipends of different values are reserved specially for Moslem students. In addition to these scholarships and stipends, there is a provision at the disposal of the Director of Public Instruction for—

- (1) Rs.9,800 for grant of special stipends to non-Moslem students;
- (2) Rs.10,000 to other than Scheduled Castes in Government and aided colleges;
- (3) Rs.10,104 to Scheduled Castes students;
- (4) Rs.19,000 to Moslem students;
- (5) Rs.20,640 to Moslem students for study of Science; and
- (6) Rs.2,400 to boys of the Nizamat family.

(e) 184 new scholarships and 290 stipends of different values have been created for Moslem students in the current financial year.

(f) The member is referred to the reply given on the 22nd May, 1939, to question No. 170 put by him on the floor of this House.

Government have appointed a special Committee, as referred to at (c) (vii) above, to investigate the problem of madrassah education in Bengal. A comprehensive resolution will be published by Government on receipt of the report of the above Committee.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state when is the report of the Madrassah Committee expected?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is complete in draft and we expect that in about a month's time the printing will be completed: that is the utmost limit.

Khan Bahadur ATAUR RAHMAN: Arising out of (iv), will the Hon'ble Minister be pleased to state whether the Brabourne College is only for Moslem girls?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, it is open to all; but at present mostly Moslem girls are attending, because I think there are three non-Moslem girls' colleges.

Political prisoners in the Comilla Jail.

74. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether in the Comilla Jail, there are three political prisoners taken into custody under the operations of section 107, Criminal Procedure Code? If so, who are they?

(b) Is it a fact that amongst them, there is one who intends to appear in the next B.A. Examination? If so, who is he?

(c) Is it a fact that he is allowed five books at a time to read?

(d) Is it a fact that he wants all his books at a time to be by his side to be able to read according to his choice at any time?

(e) Do Government propose to allow him to have all his books by his side to follow and read as he would like?

(f) Is any daily newspaper allowed to them and to other political prisoners to read and are Government aware that they have a grievance that they are not allowed any daily Indian newspapers to read?

(g) Do Government propose to remove this grievance and allow them a daily newspaper to read?

(h) Do Government propose to enlarge the jail library with more readable books?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): As the question is not understood, it is regretted that a reply cannot be given.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether these questions were attempted to be understood by the Home Department or whether they were sent to the jail authorities at Comilla?

The Hon'ble Khwaja Sir NAZIMUDDIN: By the Home Department.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state why was not an attempt made to send them to Comilla?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because, as I have said, before we send them to the jail authorities, we ought to know what is meant by the questions: we could not follow the questions at all.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state which portion of the question the Hon'ble Minister and his department could not understand?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no such thing as "political prisoners" in the jails.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if any attempt was made to understand the word "political"?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the misleading part of the question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state in what way it will be intelligible to the Hon'ble Home Minister so that some definite answer might be available; will it satisfy the Hon'ble Minister if the word "political" is taken away?

The Hon'ble Khwaja Sir NAZIMUDDIN: If proper phraseology is used.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether he actually understood by "political prisoner" a prisoner under section 107—I mean a prisoner who is bound down under section 107 for his political activities?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think we would have understood the question if the honourable member had put in "under section 107 of the Criminal Procedure Code".

Works of the District Board.

75. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department kindly state—

- (a) whether Government contemplate laying down a definite policy with respect to the maintenance of water-supply and communications within the jurisdiction of each District Board by the respective District Boards in Bengal;
- (b) whether Government contemplate also to lay down a policy in respect of the new works of the District Boards by which such works will be restricted only to the undeveloped areas; and

- (c) whether Government propose to call a conference of District Board Chairmen and selected members to consider those matters or propose to form a committee to enquire into those and other kindred matters and report after examining the District Board members, and other responsible officials and non-officials in every district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Public Health and Local Self-Government Department): (a) and (b) Steps have been taken for collection of information which is not yet available. With regard to (c), the answer would depend on the information relating to that may be received by Government and it will not be possible for Government to come to any decision before such information is available.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state when the information will be available?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

The Payment of Wages Act.

76. Mr. K. C. ROY CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that decrees passed under the Payment of Wages Act in the Workmen's Compensation Courts are not sometimes realised at all?

(b) If so, what steps have been taken by Government to realise the amounts decreed?

(c) Is it a fact that in most of the cases referred to the District Magistrate by the Workmen's Compensation Commissioner for execution of the decree, no steps have been taken at all either by the District Magistrate or by the Police? If so, what is the reason therefor?

(d) Will he be pleased to enlighten the House on the following points:—

- (i) how many cases were decreed in the Workmen's Compensation Court in the years 1937, 1938, 1939 and up to May, 1940; names of the employees and also employers against whom the decrees had been obtained;
- (ii) how much money decreed has not been realised;
- (iii) what are the names and addresses of the employees and employers from whom no realisations have been made: and

- (iv) how many of such decrees were executed by the District Magistrate, with the date of such executions and realisations of the amounts decreed and also the names of the decree-holders and judgment-debtors?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) This has happened in some cases.

(b) Action can only be taken as provided for in section 15 (5) of the Payment of Wages Act; and this has always been done.

(c) I am not aware of any such case.

(d) (i) Decrees passed under the Payment of Wages Act are—

1937	...	96
1938	...	646
1939	...	260
1940 (up to May)	...	42

The time and staff at the disposal of the authority under the Act do not admit of the preparation of a list as asked for by the honourable member.

(ii) The amounts are—

		Rs.	a.	p.
1937	...	4,349	11	6
1938	...	4,417	1	6
1939	...	15,858	8	1
1940 (up to May)	...	341	4	6

(iii) A statement is laid on the Library table.

(iv) A statement of cases where decretal amounts were recovered through Magistrates (not necessarily District Magistrates) is laid on the Library table.

Control of prices in the villages of the Jessore district.

77. Mr. K. C. ROY CHOWDHURY: (a) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that shopkeepers in places like Lalbagh, Berhampore, Kandi subdivision of Murshidabad district, Panjia Bazar, Keshabpur police-station, Naldi Bazar, Brahmindangahat, Mittapurhat in Lohagara police-station, Bunagatihat, police-station Salkia, Saraspurhat, Ratadanga Bazar,

Pajar Kalihat, police-station Narail in the district of Jessore, have been, in contravention of Government orders, increasing the rates of prices of rice, oil, kerosene, sugar and other necessary articles and also of medicines, day by day, out of war panic without any regard to any standard or fixed price? If so, what steps are being taken by the Government?

(b) Will the Hon'ble Minister be pleased to state—

- (i) how many Food Controlling Officers have been placed in the above-mentioned places;
- (ii) the number of shops inspected by them and the date and time of such inspection made by them;
- (iii) also the cases of shopkeepers reported and prosecuted with the date and time of such prosecutions from December, 1939, to June, 1940; and
- (iv) if any prosecution and inspection have been made; if not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) No.

(b) (i) and (ii) No Food Controlling Officer as such has been appointed but the Subdivisional Officers, Circle Officers, Police Inspectors and Debt Settlement Officers have been instructed to keep a careful watch on trend of prices and report cases of profiteering; but no such report has been received.

(iii) and (iv) Do not arise.

The Bengal Tanning Institute.

78. Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

- (a) what is the total number of students now under training in the Bengal Tanning Institute;
- (b) the names of the members of the staff with their respective pay and allowances; and
- (c) the total cost for running this institute?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) Nineteen.

(b) A statement is laid on the table.

(c) About Rs.48,800 annually.

Statement referred to in the reply to clause (b) of question No. 78, showing the names of the members of the staff with their respective pay and allowances in the Bengal Tanning Institute.

Names.	Pay per month.
Rs.	
Rai B. M. Das Bahadur, M.A. (Cal.), M.Sc. (Leeds), Superintendent ...	1,500
Mr. B. B. Dhavale, M.A., A.I.C., F.C.S., Research Chemist ...	625
Mr. U. N. Dutt, Tannery Foreman ...	250
Mr. B. N. Pal, B.Sc., Demonstrator in Leather Chemistry ...	140
Maulvi Abu Isa Md. Mosiha. Tannery Assistant ...	90
Mirza Basheer Ahmed, Tannery Assistant ...	75
Mr. S. K. Mitter, Microscopist ...	75

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if we are to understand that Rs. 48,000 is spent for 19 students only?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. It is a Research Institute and it will be unfair to assess the necessity of the expenditure only with reference to the number of students under training there.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the total capacity of this institution,—I mean, how many students can be taken in?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he is aware that 19 constitutes the total number of students that this institute can take in?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, that is only repetition of the previous question in regard to which I have asked for notice.

Notice by Hon'ble Minister regarding Non-official Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I intend to move the following amendment in regard to the motion given notice of by Mr. Nur Ahmed that the Eastern Bengal and Assam Disorderly Conduct Bill, 1940, be taken into consideration and passed, as settled in the Council:—

"That the Eastern Bengal and Assam Disorderly Conduct (Amendment) Bill, 1940, as introduced, be circulated for eliciting public opinion thereon by the 30th November, 1940."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have given notice of a motion that the Bengal Alluvion and Diluvion Bill, 1940, be taken into consideration and also passed, as settled in the Council. It is included in the agenda for being taken up any day from to-day onwards. May I suggest that amendments to this Bill may be accepted at short notice and that to-morrow may be fixed as the last date for sending in such amendments, so that the Bill may be taken up on the 21st August?

Mr. PRESIDENT: If there is no objection from any side, I would like to relax the rules and permit the Bill to be taken up for consideration on the 21st August.

(No objection was raised from any side of the House.)

As there is no objection, the suggestion of the Hon'ble Minister may be taken to have been accepted by the House.

GOVERNMENT BILLS.**The Bengal Jute Regulation (Amendment) Bill, 1940.**

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Jute Regulation (Amendment) Bill, 1940, be taken into consideration.

Mr. PRESIDENT: I would like to point out that according to section 77(I) of our rules, ten days' notice is necessary. When this Bill was laid on the table on the 13th August, you did not request the Chair to suspend the rule for taking the Bill into consideration at shorter notice.

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, that was so. That was the earliest date on which I could give notice of this Bill on

the floor of this Council but it was a mistake on my part not to have requested your permission for giving notices of amendments at short notice; I took it that when you fixed the 19th August for consideration of the Bill, you had accepted the position that amendments would be tabled at short notice.

Mr. PRESIDENT: According to section 77(1) of our Rules, any Minister acting on behalf of the Government in the case of a Government Bill or, in any other case, any member, after giving ten days' notice or, with the consent of the President, at shorter notice, may move that the Bill be taken into consideration. My difficulty is that there was no announcement from the Chair asking for notice of amendments from the honourable members. If there is no objection, the Chair is willing to waive the question of due notice.

Mr. HUMAYUN KABIR: Sir, we want to be clear on one point. Does the Hon'ble Minister want that the Bill should be taken up, clause by clause, to-day or he only wants that the motion for taking his Bill into consideration should be accepted?

Mr. PRESIDENT: The Hon'ble Minister desires the House to consider the Bill, clause by clause.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the Bill was introduced principally out of deference to the wishes expressed by some members of this House.

Mr. PRESIDENT: The Bill was laid on the Table on the 13th August last and as it is a short Bill, if there is no objection, then, alone it may be taken up to-day.

(Cries of "no objection.")

As there is no objection, I take up the Bill now.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Jute Regulation (Amendment) Bill, 1940, as passed by the Assembly, be taken into consideration.

Sir, I do not require to make a long speech in asking the House to accept my motion. As I have already said, it is principally in deference to the wishes expressed by some members of this House while the original Bill was under consideration here that this amending Bill has been introduced. The principal amendment is, as was suggested by Khan Bahadur Saiyed Muazzamuddin Hosain on the last occasion, that after record of the jute land is made, the Collector of the district should be empowered to make a revision within one year, of his own motion or on the application of an aggrieved party. That was

considered by Government to be a very reasonable request, because in spite of all precautions it is only natural that in some cases mistakes may crop up and unless there is somebody who can rectify those mistakes, actually some people may be at a great disadvantage. This is the principal amendment of Bill. There are certain other amendments of a very minor character most of which are of a drafting nature. I hope the House will find no difficulty in accepting this motion.

Mr. PRESIDENT: Motion moved: that the Bengal Jute Regulation (Amendment) Bill, 1940, as passed by the Assembly, be taken into consideration.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support the motion and in doing so I have to thank the Hon'ble Minister for bringing forward this Bill so quickly by way of redeeming his promise. Sir, during the passage of the last Jute Regulation Bill, I brought forward an amendment which sought to provide for correction of records at the instance of absentee parties within one year or at the initiation of the Collector at any time, so that if any omission or mistakes were found the Collector would be able to correct the records. This was a very necessary provision and the Minister had promised that he would bring forward a Bill very soon for incorporating it in the Act. I am glad that he has redeemed his promise, and we thank him for doing so. With these words, Sir, I whole-heartedly support the motion for acceptance.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the motion. During the last session when the original Jute Regulation Bill was due to be considered, a large number of amendments were tabled by members of our party when it was found that we were not in a mood to move them, my friends on the other side, specially Mr. Das, derived considerable amount of amusement for themselves by the thought that we were failing in the discharge of our duties. The only reason why we did not then move our amendments was that the passage of the Jute Regulation Bill was very urgently wanted. Now, since the work was to begin by 1st April, if we were stampeded into moving them through the encouragement of my friends opposite we would have caused a great deal of harm to the province. We would have held up the work till it would have been too late to begin this year. We had then to choose between two alternatives, namely, the welfare of the people and good draftsmanship. Sir, at that time we worked for the benefit of the people and refrained from moving those amendments. In fact, the Hon'ble Minister had promised that our amendments would be consolidated and brought in later through an amending Bill. The present Bill is a redemption of that promise. Our co-operation enabled the Bill to be passed in time

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and the necessary drafting changes have been made by the present Bill. The amendments are mainly formal except one important amendment which has been drafted on the suggestion of Khan Bahadur Saiyed Muazzamuddin Hosain. With these words, I support the motion.

Mr. PRESIDENT: The question before the House is: that the Bengal Jute Regulation (Amendment) Bill, 1940, as passed by the Assembly, be taken into consideration.

(The motion was agreed to.)

Clauses 1-4.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2, 3 and 4 stand part of the Bill.

(The motion was agreed to.)

Clauses 5-11.

Mr. PRESIDENT: The question before the House is: that clauses 5, 6, 7, 8, 9, 10 and 11 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the Preamble and the Title be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Jute Regulation (Amendment) Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bengal Jute Regulation (Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Revenue (Charged Expenditure) Bill, 1940.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Revenue (Charged Expenditure) Bill, 1940, as passed by the Assembly, be taken into consideration.

Sir, honourable members may have seen from the Statement of Objects and Reasons which has been placed on the Table that this is in point of fact a very formal amendment. Formerly, all payments that had to be provided for in the Budget under various Statutes were non-voted. There was a liability upon the Government of the day to provide

these amounts secured by Statutes, and any Government would have been charged with dereliction of duty had it failed to do so. Under the 1937 Act, this expenditure was non-voted for two years, and thereafter every Provincial Legislature has been given the power to pass an enactment to charge such items of expenditure. Two provinces, namely, those of Assam and the Central Provinces, have taken advantage of this power and have introduced legislation of the type which I am asking the House to take into consideration. The fact that these items in future may become non-voted does not prevent the House from discussing the matter. If honourable members would care to read section 79 of the Government of India Act, they will find it specifically stated that such matters can be discussed on the floor of the House.

There is another item in the Bill. The first item deals with expenditure which has been secured by a Statute, and the second item with certain moneys which formerly used to be collected by the various local bodies and went directly into their exchequer and which at the present moment go to the provincial funds and from the provincial funds they are sent to the local bodies. I think the local bodies would be very much easier in their minds if they knew that there would be no curtailment of the sums of money to which they could look forward, year after year, for the purpose of meeting their expenditure; and in order to provide them definitely with these sums of money the second schedule has been incorporated within this Act. As this merely puts down in the form of a Statute what we believe is the wish of the House regarding payments of money to local bodies as well as to those whose funds are secured by Statutes, this Bill has been brought up for being enacted into law.

Mr. PRESIDENT: Motion moved: that the Bengal Revenue (Charged Expenditure) Bill, 1940, as passed by the Assembly, be taken into consideration.

Mr. NARESH NATH MOOKERJEE: Sir, I rise to oppose the consideration of this Bill.

Sir, this is an attempt to take away from the members of the Legislature of this province their inherent right to initiate discussion on these matters by introducing cut motions. Sir, I feel that this is almost an expropriatory Bill. I do not think there is any reason whatever why the Government should try to introduce such safeguards when even in the Act of 1935 it was not contemplated. I admit, Sir, that this House has no right to introduce cut motions; but I am not merely speaking for this House, I speak generally for the representatives of the people of this province. It is an inherent right with the members of the Legislature of this province to enquire into the working of the departments controlled by these Acts and also to

bring in cut motions. This Bill, Sir, not only takes away that right but also gives the Government a blank cheque in Schedule No. 2 and in the sub-sections of clause 3 to do whatever they please and it is entirely at their discretion, whenever they may so desire, to include any Bill within, or exclude it from the purview of this Bill. Sir, I really feel that this is on principle very objectionable. For instance, I certainly do not see why the Dacca University should be singled out for being included in this. After all, Sir, Government have got a packed majority in both the Houses of Legislature and if they so desire, they can always get their demands for grants passed. They have also given evidence in the past that they can turn down any cut motion which the Opposition may bring forward. But, Sir, to take away such an important right from the members of the Legislature by an enactment of this kind is really unheard of.

I may at this stage refer you, Sir, to sub-sections of clause 3. There are certain amendments moved by my friend Khan Bahadur Naziruddin Ahmad and we shall give our opinions on them when they come up; but I think that the powers that Government seek under this Act, particularly under this sub-section, might take away gradually all powers from the Legislature. Our objection is merely on principle and I appeal to the members of this House,—particularly to the European Group, because they are in the position of a strong third party in this House,—to come forward and enter a protest against the passage of this Bill.

Sir, I feel that further details are not necessary at this stage, but we enter our emphatic protest against the consideration of this Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, I rise to support the motion for the consideration of the Bill. My friend, Mr. Mookerjee's fears are unfounded. In fact, the Acts which have been included in the Schedule are the Acts by which certain expenditures have already been charged on the revenues of the province, and the passing of this Bill means that so far, as the expenditures which are thus "charged" on the revenues of the province are concerned, they will automatically be so treated in the Budget. As the Hon'ble Minister has pointed out by a reference to the Government of India Act, a discussion of the items is never prohibited. The Bill has been brought in only to provide an obvious classification between what is votable and what is charged. In fact, any member can move a token cut on the total sum, and by doing so he can initiate discussion on the charged item. These expenditures which are already declared by an Act to be a charge on the revenues of the province are merely brought together in this Bill in a formal manner. This Bill is, therefore, a mere matter of routine legislation which simply helps the department in the work of Budget classification. The Government of India Act has laid down that for the first two years the expenditures

which were already charged by any enactment would be regarded as charged; but that later on after two years an Act of the Legislature would be necessary for such an item to be regarded as a charged one. The provision in the Government of India Act is spent up. In this view, the Bill performs a necessary adjustment in accordance with the Government of India Act by a formal declaration? If my friend, Mr. Mookerjee, thinks that those items which are charged should be put to the vote in the Assembly, I think, there is no legal bar to it. I therefore think that his objection to the Bill is not well-founded. My friend however fears that our right of discussion would be curtailed in regard to many new Acts which might be selected by the Government. This anxiety should be respected and I have tabled a motion at the appropriate place to have the matter clarified; but so far as the general nature of the Bill is concerned, it is an innocent and routine measure to which no exception could be taken.

Mr. HUMAYUN KABIR: Mr. President, Sir, I think that on principle there is nothing wrong in charging certain expenses to the revenues of the province; but the question we must consider is, how this is proposed to be arranged and on what grounds? Some of the fears which have been mentioned by my friend, Mr. Naresh Nath Mookerjee, and agreed to by my friend, Khan Bahadur Naziruddin Ahmad, need not be commented upon, because on such points perfect unanimity seems to prevail on every side of the House. But there are certain other items which, I think, require a little elucidation. There is, first of all, the question of allotting certain expenditure to the revenues of the province on the ground that it enables public utility bodies to plan ahead. If such institutions do not know what amount of funds may be available to them from year to year, they cannot plan beforehand. Hence institutions like a University or a public benefit corporation can justly demand that there should be indications from before as to what amount they can expect from the Government. From that point of view, I personally would hold that the clause which wants to make the payment of this Government to the Dacca University an item of charged expenditure on the province should have been applied on principle to its contributions to the Calcutta University so that that University may also know what amounts it can expect from the Government and be in a position to plan accordingly. Very often it so happens that the University takes up a particular course of development for which funds would be available only if it can be sure of Government grants. Therefore, in such cases there is nothing wrong in allotting certain expenditure to be charged on the revenues of the province.

With regard to clause 3, there are certain points which ought to be elucidated by the Hon'ble Minister. First of all, what

exactly is meant by a grant approximately equal to the grant made in 1937? Why is it that the year 1937 was chosen rather than an average of the last five years? If it is a question of approximate equality, will any variation be made from year to year by the Government and, if so, on what basis? Cannot the point which was mentioned by Mr. Naresh Nath Mookerjee and about which Khan Bahadur Naziruddin Ahmad has an amendment be met? What exactly is meant by this Bill if the Provincial Government can even after the Bill is passed include in or exclude from the Second Schedule any appropriate enactment? If these points are elucidated, I think, some of our objections can be overcome.

Mr. J. B. ROSS: Sir, in rising to support the motion for consideration of this Bill, I would like elucidation from the Hon'ble Minister on one matter which is puzzling me slightly. I notice that in sub-clause (3) of clause 3 of the Bill, the Provincial Government may, by notification in the *Official Gazette*, include or exclude from the Second Schedule any appropriate enactment; but no mention is made of the same action with regard to the First Schedule. It occurs to me that when the present Government has finished with the Calcutta Corporation, it is conceivable that you will have sitting in the Corporation buildings a body which for purity, honesty, economy and uprightness may be an outstanding example to the rest of India and it may not, in these circumstances, require the contribution from the Motor Vehicles Act which it receives at present and it is also quite conceivable, therefore, that Act I of 1932 might be repealed. In that case, if that Act is repealed and Government do not take the power to exclude it from Schedule I of the Bill now under discussion, it still remains a charge on the revenue of the province. I would like to have elucidation from the Hon'ble Minister as to how he proposes to deal with the problem under the circumstances.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I think after the speech of Khan Bahadur Naziruddin Ahmad, I need only refer to a few points which have been raised in this debate, particularly the logical argument advanced by the last speaker. It seems to me that if ever the Bengal Motor Vehicles Tax Act came to be repealed, no money accruing therefrom would be provided for in the budget, and there would be no sum of Rs. 4½ lakhs to be paid to the Calcutta Corporation which would require to be charged. It does not mean that these sums must be provided for in the budget, it only means that if they are provided for in the budget, they shall be charged and non-voted. It is the statutes by virtue of which money should be provided for in the budget; and, therefore, if an Act is repealed, there is no obligation upon Government to provide that money in the budget. This is my reply to Mr. Ross's remark.

Sir, Mr. Naresh Nath Mookerjee, of course, realises, although I expected that he would not allow this opportunity to go without making some acid reference to it, that the rights of this House to discuss these items have not been taken away by this Bill. The rights of the other House as well to discuss have not been taken away by this Bill. I refer him particularly to section 79 of the Government of India Act where it is specifically laid down that the right to discuss will not be taken away in respect of items of expenditure which are charged. Now, the question is: whether the right to reduce a grant has been taken away or not. So far as that is concerned, a cut motion can be brought in on the general demand; for instance, if you do not like the manner in which the Dacca University is administered and want to cut down that grant, you can bring in a cut motion on the general Education demand and discuss the matter of the Dacca University thereunder. The question is: whether the House should reduce the grant on the floor of the House after compelling Government to bring in a grant in terms of the statute. It is this which will create the anomaly; for instance, on the one hand, you say you must provide five lakhs of rupees statutorily in the budget, and, on the other, you say that the House may reduce the grant to four lakhs. That means to say that it goes against its own orders, and against the existing statute without repealing that statute. The power to cut down grants is always there because you can always repeal that statute, and that is a much more drastic power than that of interfering with the budget which has been framed according to the wishes of the House.

Now, Sir, Mr. Humayun Kabir and Mr. Naresh Nath Mookerjee seem to think that we are conferring a special favour on the Dacca University under this Bill, and have referred to what they call discrimination as between the Dacca University and the Calcutta University. I submit, Sir, there has been no discrimination. The Dacca University is being given Rs. 5,00,000 merely because there is provision for a five-lakh grant which is payable under a statute. If there was no such sum payable under the statute, there would have been no sum to charge. Honourable members probably know that we pay Rs. 6 lakhs to the Dacca University, Rs. 5 lakhs under the statute and Rs. 1 lakh more under an arrangement that we have made with the Dacca University for paying Rs. 1 lakh more for ten years. Now, that sum of Rs. 1 lakh which we have agreed to pay to the University for ten years is not charged; that remains voted, and all your criticisms against the Dacca University can be levelled when you consider that one lakh grant. Therefore, you have noticed that not the entire grant which is paid to the Dacca University is being charged but only that which is secured by the statute. If the grants to the Calcutta University can be secured by Statute, it will be treated in the same manner. It is somewhat unfair to say that Government discriminates between the Dacca University and the Calcutta University. It was this Government

which for the first time consolidated the grants to the Calcutta University. Up till 1937, before we took the matter up, there was a tussle between the Calcutta University and the Government year after year regarding its grants. We looked into the matter very closely and we gave to the Calcutta University a consolidated grant which made its position absolutely secure. It is that grant which we are continuing to give, and the word of Government is almost as good as any Bill; but the difference lies in the fact that until it has been set down in the form of a statute, it will remain subject to the vote of the House. I should be very glad if a good case can be made out for making the Calcutta University grant a statutory one, but, as honourable members are aware, the affairs of the Calcutta University are in a state of flux. There are many matters pending at the present moment which will affect that University, and until they are settled, it would not be possible to bring in an enactment to secure a grant to the Calcutta University.

Now, Sir, this enactment does not give to the Government a blank cheque. We only include such Act as the House itself passes, and surely it is not expected that once the House commands the Government of the day to include a certain item in the budget, it should itself vote out that grant.

Mr. PRESIDENT: The question before the House is: that the Bengal Revenue (Charged Expenditure) Bill, 1940, as passed by the Assembly, be taken into consideration.

(The motion was agreed to.)

Clauses 1 and 2.

Mr. PRESIDENT: The question before the House is: that clauses 1 and 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that sub-clause (3) of clause 3 of the Bill be omitted.

The reason why I have submitted this amendment for the consideration of the House is that I think—and I think every section of the House will agree—that the Government should be given no power to legislate without consulting the Legislature. In fact, it seems to me that this sub-clause possibly reserves to the Government the power to include and exclude any Act which they think fit, in the Schedule. If so, it will take away the rights of the Legislature. Government's power of inclusion is, of course, confined to any "appropriate" enactment. It may be difficult to interpret the expression. I do not know

what are "appropriate" enactments for the purposes of the Budget. In these circumstances, I want a clarification of the situation. In fact, I want to put to the Hon'ble Minister a specific question as to whether the Government would reserve, by this sub-clause, to themselves the power to include all sorts of enactments they please or those enactments which have already definitely charged the revenues for the payment thereof. If the Government has no power to go beyond those Acts of the Legislature which have definitely charged the revenues of the province, then there will be no difficulty; but if it is possible, by virtue of this sub-clause, to cross that line, then certainly I should think that this clause should be deleted, because such a power would be against the very principles of legislation, for to allow the Government to legislate for themselves would be to surrender the powers of the Legislature. In these circumstances, I would ask for a clarification of the issues before I would make up my mind as to my amendment.

Mr. PRESIDENT: Amendment moved: that sub-clause (3) of clause 3 be omitted.

Mr. HUMAYUN KABIR: Mr. President, Sir, it was very noticeable that in the speech which Mr. Suhrawardy delivered just now he answered most of the points which were mentioned by the speakers with regard to the introduction of the Bill, but very cleverly avoided all references to the points about section 3.

Mr. PRESIDENT: The reason is clear, because there is a specific amendment on the matter.

Mr. HUMAYUN KABIR: In any case, even if he reserved the reasons which have led Government to include the third clause in that particular form, we have yet to know them. The arguments which have been advanced by my honourable friend Khan Bahadur Naziruddin Ahmad seem almost unanswerable. "Or any appropriate enactment" is, as he has pointed out, a delightfully vague statement. Is this appropriateness to be determined by reference to the Schedules or can we have any enactment which can be operated by the Government of Bengal brought in under sub-clause (3) of clause 3 of this Bill? These are some of the misgivings which we may mention and as I was saying a moment ago, we are waiting for an answer.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, it is for the first time, I think, during the course of the last three years that I find myself in agreement with my friend, Khan Bahadur Naziruddin Ahmad. I support his motion with the hope, Sir, that he will not withdraw it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to explain the real meaning of sub-clause (3) of clause 3. The real object of this sub-clause is to insert a provision so that every time Government

may not have to come up with an amending measure. Schedule 2 gives the list of Acts which require the Government to contribute certain taxes or other things realised under those Acts to certain local bodies. So, this is the list but this is not an exhaustive list, as there may be new Acts imposing fresh taxes which may be payable to other people by Government. For that reason, Sir, this power has been kept by Government so that from time to time Government may include such Acts within the Second Schedule and similarly may exclude Acts which may be repealed or done away with and no necessity for making over the money may arise. For this reason, Sir, sub-clause (3) has been put in the Bill. In fact, I was thinking and just suggesting to the Hon'ble Minister that a corresponding sub-section ought to have appeared as suggested by my honourable friend Mr. Ross, so that the Government might have powers to revise First Schedule also from time to time by including and excluding items showing expenditure of charged revenues of the State, because there also changes will occur and new Acts will come in and some Acts may be repealed. So, every time for correction of that Schedule Government will have to come up with an amending Bill. For this reason, Sir, I think sub-clause (3) is absolutely necessary and it has been rightly put in.

Mr. NARESH NATH MOOKERJEE: Sir, I am in entire agreement with Khan Bahadur Naziruddin Ahmad although I am afraid he will leave us in the lurch. The argument advanced by my friend Khan Bahadur Saiyed Muazzamuddin Hosain does not really appeal to me. It amounts to this that we should abdicate all authority, all powers to Government simply to save Government from bringing in amending Bills later. Sir, we know that Government introduce legislations quickly and hastily, without proper consideration. They sometimes have to bring in three or four amending Bills during the course of a year and if it is really necessary to exclude a certain Bill from the Schedule of this enactment or if it is necessary to include certain enactment in the Schedule, I do not think, Sir, the Legislature will object to it. The Government have had ample evidence of our good intention. The Jute Regulation (Amendment) Bill has been framed on the ideas that were put forward by the House and which were not accepted at the time. We from this side of the House gave our fullest support to it and in fact we did not move a single amendment nor made a single speech. I do feel that this is giving undue power to Government unnecessarily.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I hope that after I sufficiently explain to the House that their fears that Government propose indirectly to legislate by notification are groundless, Khan Bahadur Naziruddin Ahmad may be induced to withdraw the amendment which has been placed before the House. His real purpose was—and I feel, Sir, that his fears deserved ventilation in this House—that

Government should not in an indirect manner legislate by including new enactments and show any expenditure under those enactments as charged. We have no desire to do this. It will be for the House to legislate. The House will say that fines or receipts under such and such enactments shall be paid to the unions or to the District Board or the Local Board or to the Municipality or other local bodies or institutions and after the House has given the mandate, all that we will do will be to include the enactment in the Schedule by notification. We do not wish to increase our responsibilities and we do not wish to take away the powers of the Legislature. The word "appropriate" may be read with reference to clause 3(I), namely, the enactment under which monies would have been payable directly to the local body but which under the Government of India Act, 1935, is now payable to the provincial revenues. Therefore, any Act which provides that the income arising out of fees and levies should be paid to local bodies but which owing to the Act has got first to go through the channel of the provincial revenues will be an appropriate enactment. There will not be any new enactment other than what may be passed by the Legislature. That, Sir, we can guarantee.

Now, Sir, the point has been raised by Khan Bahadur Saiyed Muazzamuddin Hosain that we should have made a similar provision for the First Schedule. For instance, if the grant to the Calcutta University is consolidated in the form of a statutory enactment, why should not Government insert that by a notification in the First Schedule? Sir, this fact should rather bring home to the House that we wish to exercise our powers of notification with the greatest caution and will propose to include only those enactments which the Legislature desires should be provided for in the Budget. Now, Sir, the reason why we have not treated the First Schedule in the same manner is that after the Bill is passed, the fact whether it should be a charged expenditure or not will be mentioned in the Act itself. Consequently, it will not be necessary for us to include it in this Act by means of a notification, but should this fact be overlooked in those enactments, we shall come up with the necessary amendment.

I hope, Sir, that Khan Bahadur Naziruddin Ahmad is satisfied that Government have no desire to legislate at all but will merely carry out the wishes of the Legislature only when they are sufficiently expressed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in view of the undertaking which is given in clear terms and I believe from which Government cannot resile, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is there any objection to leave being granted to Khan Bahadur Naziruddin Ahmad to withdraw his amendment?

Mr. LALIT CHANDRA DAS: We object, Sir.

Mr. PRESIDENT: The question before the House is the amendment of Khan Bahadur Naziruddin Ahmad : that sub-clause (3) of clause 3 of the Bill be omitted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that Schedule I stand part of the Bill.

(The motion was agreed to.)

Mr. NUR AHMED: Mr. President, Sir, I beg to move that at the end of the Second Schedule attached to the Bill, the following be added, namely:—

“The Bengal Primary Education Act, 1919.

The Bengal Birth and Death Registration Act, 1873.

The Bengal Vaccination Act, 1880.

The Bengal Police Act.

The Indian Petroleum Act.”

Sir, it appears from clause 3 of this Bill that Government has introduced this Bill with the object of securing to local authorities the proceeds realised under the Acts as specified in the Second Schedule to this Act. I find from that Schedule that some of the enactments under which certain local bodies are now getting funds fixed by these statutes have been included in Schedule II. Of course, I am conscious of the fact that there is a sub-clause (3) which reserves to Government power to include in or exclude from the list; but in spite of that, I think, Government have not been kind, just and sympathetic towards the urban areas. Since the inauguration of democratic institutions in local areas, all money has been given to the rural areas to the neglect of urban areas. The urban areas do not get anything from Government, and when they make strong representations, an unwilling Government gives something only not worth mentioning. It is a fact that all the grants received from Government go to non-urban areas for the uplift of villages. Sir, I protest against this step-motherly treatment towards urban areas and against the exclusion of certain important items from Schedule II. Under the Indian Petroleum Act, Government get some money at present by way of fees from licence and it is handed to local bodies but that Act has not been included. Therefore, I have suggested the inclusion of certain enactments.

Mr. LALIT CHANDRA DAS: Sir, I rise to oppose the amendment which has just now been moved by Mr. Nur Ahmed. Under sub-clause (3) of clause 3, Government have just now taken power to include in or exclude from the Second Schedule any appropriate enactment. What those appropriate enactments are or should be, that will be decided by the Government after proper examination. 'This is not the place to examine the Bengal Primary Education Act, 1919, the Bengal Birth and Death Registration Act, 1873, the Bengal Vaccination Act, 1880, the Bengal Police Act, the Indian Petroleum Act. They may, no doubt, be appropriate Acts which should be included within Schedule II. But that should be a matter for examination by the Government. With these words, I oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, for the first time I find myself so much in agreement with Mr. Lalit Chandra Das that it is hardly necessary for me to say anything. He has expressed my views admirably. But before I sit down I would like to assure Mr. Nur Ahmed that there has been no desire on the part of Government to discriminate between urban and rural areas. Obviously, the balance of influence having shifted from the urban to the rural areas, much more attention is being paid to the welfare of the rural areas and of the masses. But I am sure that the urban areas will come by their own with such champion as Mr. Nur Ahmed to plead their cause.

Sir, I am glad that Mr. Nur Ahmed has brought some enactments to our notice. We shall have them examined and if it is found that they stand on a par with the enactments which have been brought under the Second Schedule, we shall be glad to include them in it. In view of what I have said, I hope Mr. Nur Ahmed will not press his amendment.

Mr. NARESH NATH MOOKERJEE: Sir, what Mr. Das meant to say in regard to Mr. Nur Ahmed's amendment was that without careful examination of the provisions of these enactments, we would not support their inclusion in the Schedule. Furthermore, we have made our point of view clear in the speech I made at the outset.

Sir, we are not opposing Mr. Nur Ahmed's amendment but we are opposing the principle of giving *carte blanche* to the Government.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I would not have stood up to say anything but for the gratuitous advocacy of my friend Mr. Naresh Nath Mookerjee in trying to interpret what Mr. Das has just said. I submit, Sir, that Mr. Das said what he exactly meant. He simply said that he opposed the amendment. But Mr. Mookerjee now wants the House to accept his interpretation. We are not prepared

to accept his interpretation because his interpretation really reverses what Mr. Das has said. I know Mr. Mookerjee is highly intelligent, but we also claim some amount of intelligence; and if he wants to make a positive thing negative, I submit that such an interpretation will not be accepted by the House.

Mr. NUR AHMED: Sir, in view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit the hon'ble member to withdraw the amendment?

There being no objection, the amendment of Mr. Nur Ahmed was, by leave of the House, withdrawn.

The question before the House is: that the Second Schedule stand part of the Bill,

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Revenue (Charged Expenditure) Bill, 1940, as settled in the Council, be passed.

The question before the House is: that the Bengal Revenue (Charged Expenditure) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Co-operative Societies Bill, 1940.

Mr. PRESIDENT: Now the House will take up the Bengal Co-operative Societies Bill, 1940, as passed by the Assembly.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that the Bengal Co-operative Societies Bill, 1940, as passed by the Assembly, be taken into consideration.

Sir, I do not think that it is necessary for me to enter into a detailed discussion about the provisions of this Bill at this stage. But, Sir, even then I feel that I should make a few submissions to the House so that the honourable members may see the necessity of a measure of

this nature and may also see what the exact provisions of this Bill are. The Statement of Objects and Reasons which I have had the honour of submitting to the House explains clearly as to what these reasons and objects of this Bill are. I have also thought fit to add notes on some of the clauses of the Bill which seek to introduce some new measures, so that the true perspective may be appreciated and the House may be able to feel satisfied about the necessity of these particular clauses.

It is well known that so far as the co-operative movement in this country is concerned, it was practically started on the basis of the Central Act of 1904, which was subsequently amended in 1912 by the Central Legislature. The Preamble of that Act shows that it was with the object of promoting thrift and economy amongst the agriculturists, artisans and persons of limited means that the measure of 1912 was enacted. If you will look to the Preamble of the present Bill, you will be pleased to find that with the idea of promoting thrift, self-help and mutual aid among persons of moderate means with needs and interests in common so that better conditions of living and better methods of production and business may thereby result, the scope of the movement have been amply expanded. The idea is that all facilities should be given to those who are interested in the movement for developing it. From that point of view, provisions have been made in this Bill so that the indigenous organisations started by non-officials may get proper facilities for further development; and whenever there is anything wrong, they would be guided along proper lines so that mistakes may be checked and facilities provided for healthy development. I submit further that this Bill has been based upon the experience of the working of the co-operative institutions in this province for over 30 years.

With the formation of the new Government in this province in 1937, the difficulties of the various societies run under the Co-operative Societies Act, 1912, were brought to light. In point of fact, we began with difficulties before us and these things were taken into consideration by the Government in framing the provisions of the Bill. They had also had the benefit of definite proposals being placed before them from the public for the purpose of removing those difficulties and also for the purpose of making such provisions in the Bill as would be free from difficulties and would enable the Societies to work properly and on a sound basis. With these proposals and with the experience gained the Bill was drafted. But before it was placed before the other House, I thought it fit to take the advice of at least some of the non-official gentlemen who have taken a very great interest in this movement and from that point of view I thought it my duty to have a conference with those non-official gentlemen. The conference met in February, 1938. We had very detailed discussion for two days and in the light of the suggestions made at that conference, some of the provisions which

were originally drafted were changed and the Bill was modified. From that time onwards, I have also had the honour of attending various conferences of co-operators in different parts of the province. In point of fact, before the Bill was published on the 7th July, 1938, I had the honour of opening two different conferences in the province, one in April, 1938—Chittagong Divisional Conference at Comilla and the other at Jamalpur—Dacca Divisional Co-operative Conference on the 1st July. Although the provisions of the Bill were not placed before them, they expressed difficulties that they had been experiencing and suggested that some legislative measures were absolutely necessary to deal with the difficulties.

Then, Sir, the Bill was published in the Gazette on the 7th July, 1938, and it was placed before the other House on the 3rd August, 1938. It was then referred to a Select Committee by that House. I may say, Sir, that the Select Committee of that House took very great pains; they took nearly two years over this Bill and worked for 41 working days. As a result of all these deliberations, the Bill underwent a very great change and it was thereafter taken to the other House. It was by the pleasure of the other House that the Bill was passed by them the other day.

After that it was my proud privilege to place it before this House on the 12th August last. Now, it is before this House for its consideration. Before I go further into its early history, I think it is my duty at this stage also to place a few of the provisions before this House so that whatever apprehension or nervousness there may be still lingering may be removed.

As I have submitted in the beginning, I have placed before this House a copy of the Statement of Objects and Reasons. If honourable members would be good enough to look to page 2 of that little booklet, it will appear clearly to them as to what the new provisions made in this Bill are. Provisions have been made to delegate the powers of the Registrar to well-managed financing Banks and Federations; to obtain financial assistance from State directly or indirectly; to improve the finances of the movement by suitable restrictions on the grant of loans; to facilitate the collection of dues of co-operative societies by the summary process prescribed by the Bengal Public Demands Recovery Act, 1913; to prevent fraudulent disposal of property by a borrowing member pending dispute or liquidation; to make audit more thorough and effective; to ensure utilization of the loan for the purpose for which it has been advanced; to obtain accurate information regarding the assets and liabilities of the borrowing members as a safeguard against over-financing; to reconstitute or to supersede a Committee of Management for persistent mismanagement as an intermediate stage between normal working and liquidation in order to give the society an opportunity to improve its working. Sir, I need not dilate further

the provisions are there. I submit with all respect to the House that this is a clear improvement upon the original Act of 1912 and as I have said, it is based upon experience of the working of this movement in this province for over 30 years.

Sir, I do not think I should go into further details but to remove some little misapprehension lingering in the minds of some of my honourable friends, I might indicate at this stage that they may be thinking that a very great power has been given to the Registrar. Sir, I submit with all respect that it is necessary, because, as I have submitted twice, it has been based upon experience. If you want to make somebody responsible, it only follows as a matter of course that that somebody must be vested with some powers by the Legislature. But, if that power is abused or misused, there is always the right of appeal given to the aggrieved party. If it is a question of internal administration, the appeal lies to the next higher authority. If it is a question of penalty, the appeal lies to the District Judge. I submit, therefore, that there cannot be any the least apprehension from that point of view with regard to this Bill.

Sir, with these few words, I commend my motion to the acceptance of this House.

Mr. PRESIDENT: Motion moved: that the Bengal Co-operative Societies Bill, 1940, as passed by the Assembly, be taken into consideration.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, I beg to move that the Bengal Co-operative Societies Bill, 1940, be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. Mukunda Behary Mullick,
- (2) Mr. W. B. G. Laidlaw,
- (3) Mr. Naresh Nath Mookerjee.
- (4) Mr. Bankim Chandra Datta,
- (5) Mr. Amulyadhane Roy,
- (6) Rai Manmatha Nath Bose Bahadur,
- (7) Mr. Mesbahuddin Ahmed,
- (8) Khan Bahadur Alhadj Khwaja Mohammad Esmail,
- (9) Maulana Muhammad Akrum Khan,
- (10) Mr. Nur Ahmed, and
- (11) the mover,

with instructions to submit their report by the 30th November, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, in support of my motion I beg to say that this Bill is a very important measure and that it involves several points which require close and careful consideration by the members of this House. The past activities of the previous Governments in this direction met with disaster. The present Government is trying to improve upon the same, but it was essential that the Bill should be presented in such a form as to better the condition of the people for whom it is intended. I have also heard the Hon'ble Minister and I think that it will be much better if this Bill is allowed to go to the Select Committee so that the members may have a chance to go into its provisions more carefully. The Select Committee will also afford greater chance of coming to an agreement on the points on which there might not be much difference. With these words, Sir, I commend my motion to the acceptance of this House.

MR. PRESIDENT: Motion moved: that the Bengal Co-operative Societies Bill, 1940, be referred to a Select Committee consisting of—

- (1) The Hon'ble Mr. Mukunda Behary Mullick,
- (2) Mr. W. B. G. Laidlaw,
- (3) Mr. Naresh Nath Mookerjee,
- (4) Mr. Bankim Chandra Datta,
- (5) Mr. Amulyadhane Roy,
- (6) Rai Mamantha Nath Bose Bahadur,
- (7) Mr. Mesbahuddin Ahmed,
- (8) Khan Bahadur Alhadj Khwaja Mohammad Esmail,
- (9) Maulana Muhammad Akrum Khan,
- (10) Mr. Nur Ahmed, and
- (11) the mover,

with instructions to submit their report by the 30th November, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

MR. DHIRENDRA LAL BARUA: Sir, I rise to oppose the motion for reference of the Bill to a Select Committee. The Hon'ble Minister in charge of Co-operative Credit and Rural Indebtedness has placed the Bill before the House for consideration. During its passage through the Lower House it was considered section by section and it is now before us for final consideration in the form in which it was passed by the Lower House. The honourable members of this House had time enough to make up their mind as to its various provisions. If any honourable member of the Upper House finds it difficult either to accept the Bill as a whole or any of its provisions, he may move the House either for its rejection *in toto* or for the amendment of the particular section or sections to which he cannot agree. In my opinion,

we shall gain nothing substantial by referring the Bill to a Select Committee. The manner in which the co-operative societies have been or are being managed in all parts of Bengal is thoroughly unsatisfactory. An early remedy of the defects in the existing Act governing the affairs of the co-operative societies has been long delayed. If we are to do anything to remedy the defects in the present Act which stand in the way of the proper functioning co-operative organisations in the province, let us do it here and now without any further loss of time. I think the honourable members in this House will agree with me when I say that to leave the existing co-operative banks and societies to reach their doom without any official interference and assistance in the management of their affairs is an evil which should not be allowed to continue any further. On the other hand, too much of official centralisation of the voluntary co-operative activities may equally prove to be an evil. But things have come to such a pass that the course of wisdom will be to choose between these two evils. But without meaning any suppression of the free opinion of the House to which we belong, all that I humbly suggest is that the Bill be considered, item by item, if necessary, in the House without referring it to a Select Committee.

Rai Sahib JOGENDRA NATH RAY: Sir, on the whole I support this Bill. Indeed, a Bill like this is overdue. I congratulate the Hon'ble Minister in charge of the Bill for the courageous stand that he has taken in sponsoring this Bill. The need of co-operative societies in our economic and social life cannot be over-estimated. As it has been said in the Statement of Objects and Reasons, the Act of 1912 is now quite out of date and the innumerable societies that have grown up throughout the country almost like mushrooms, require to be governed, managed and controlled by sounder and stricter provisions of law. The Bill contains these provisions. The Select Committee's recommendation to include "persons of moderate means", in the category of the society's membership is quite a happy one. But I am of opinion that in order to avoid future difficulties, the words "moderate means" should be more precisely defined. The provision for strict control over the societies' committees of management and the members thereof, for the granting of loans and realisation of the overdue debts, for the proper scrutiny of the soundness of the securities, etc., and lastly the penal provisions of the Bill will exercise quite an effective control over the societies' activities which have, of late, been so seriously hampered by abuses and malpractices.

The Registrar has been given almost unlimited power over the societies' activities and objection may be very properly taken with regard to the authority of the Registrar. But to avoid these apprehensions regarding the possible misuse of the Registrar's power, provisions have been made in the Bill for preferring appeals to the

Government. While, therefore, supporting the provisions of the Bill almost *in toto*, I must object to clause 127 (now clause 132) which takes away all the activities of the societies from the purview of the judicial control. The necessity for a judicial decision and judicial control, at least as a final revisional authority over the activities of such important public bodies like the societies, is realised by all. A provision for having the judicial courts as the ultimate court of appeal will tend to remove all future charges of possible partiality or abuses on the part of the Government and will raise these bodies in public esteem. It is a matter of common knowledge how the absence of proper judicial control over the activities of the Debt Settlement Boards have been the subject of much criticism in the Press as well as the cause of much hardship to the public. The Bill contains legal provisions and deals with matters which require expert knowledge. There are also the penal provisions. The defect arising from the complete absence of judicial authority over the activities of the societies will add to these drawbacks in the Bill. I think all these points require mature deliberation in a cool moment which is only possible if the Bill be referred to a Select Committee. I, therefore, support the proposal for referring the Bill to a Select Committee.

Rai BROJENDRA MOHAN MAITRA Bahadur: Mr. President, Sir, I rise to support the motion moved by my friend Mr. Shrish Chandra Chakraverti.

This Bill forebodes the impending danger that awaits the co-operative movement of this province. The Government by the introduction of this Bill has intended to rectify the drawbacks of 1912 Act, but from the perusal of its provisions it seems that they have carefully arranged to tighten the official control over the co-operative organisations of the province making the matter worse and complicated. Without trying to find out any effective formula with a view to rectifying defects, as have been pointed out by the Hon'ble Minister in charge in the preamble, the Government under the plea of better administration have wilfully snatched away almost all the powers from the hands of non-official members. During the Viceroyalty of Lord Curzon when the Co-operative Societies Act was passed at the initiative of the Government, it was based on some principles. Among its various objects one was to foster the spirit of self-reliance and promote thrift and mutual aid among the people. It also aimed at the preservation of the autonomous character of those business concerns. In a word, it was intended for the development of co-operative movement on the basis of democracy. In the amended form of the Act of 1912, those principles were left undisturbed by official intervention. But in this Bill, which is of a most reactionary character, the Registrar has been armed to the teeth with dictatorial powers which have, contrary to the declared intention of the Government in 1904, destroyed the very objective of co-operative

societies. The Government should remember that the success of co-operative movement solely depends upon the basis of co-operative education and that must be conducted not on bureaucratic but on democratic lines. If the Government think that the official tutelage will improve the general condition of co-operative organisations, they are living in a fool's paradise. Contrary to their expectation, the reverse will be the case. No person of independent spirit will show any sympathy with the movement at the risk of their self-respect. The sense of responsibility among non-official co-operative workers will dwindle away so much so that it will retard to a great extent the healthy development of societies. Until and unless attempts are made to remove the retrograde provisions from the Bill and free scope is given to non-official members, all hopes of preventing the societies from being deteriorated will be frustrated. Frequent official interference is bound to create obstacles in the path of smooth and progressive working of co-operative institutions. Another drawback of this tightening of official grip is that while the affairs of these organisations will be controlled at the dictation of the Government, the responsibility in cases of maladministration will entirely fall upon the shoulder of non-official members. I warn the Government to be cautious against this. They should come to their senses in time in curtailing the wide powers that have been proposed to be vested in the Registrar. The extent of these powers can be better understood when it is remembered that out of 139 clauses of the Bill, about 60 clauses give powers to the Registrar by express provisions.

Regarding audit, I am strongly of opinion that it should be separated from the departmental control. It is no doubt admitted by all that the appointment of an efficient audit staff is essential for preventing the possibilities of defalcation of public money and as such that staff should be independent of the Co-operative Department. Otherwise, it is not unnatural that auditors for fear of incurring displeasure of their superior officers may refrain from bringing to light the defects in administration. I quote here the opinion of Rai Bahadur N. N. Mookerjee, O.B.E., who has long been associated with co-operative movement.

"Audit is one of the most important aspects to which we must give very serious thought. Hitherto the Registrar was responsible for the audit of the co-operative institutions. The Registrar combines in himself the powers of organisation, registration, supervision, liquidation and also audit. On principle, it is not sound. I would, therefore, take the audit out of the hand of the Registrar and place it under the Accountant-General, Bengal. I am not quite sure, if audit of 18 or 19 thousand primary societies would be possible by the Accountant-General, Bengal. If not, they may be left with the Registrar for audit for the present, but so far as the audit of the Provincial Co-operative Bank and Central Banks are concerned, they may very well be audited by a staff under the Accountant-General, Bengal. The present auditing

staff under the Registrar for these institutions might be transferred to the control of the Accountant-General, Bengal, without involving any additional cost in this connection. That would really be independent audit of the institutions which would command confidence in the mind of the public, in the co-operative institutions. This reform has been insisted upon in several general meetings and conferences of the representatives of the co-operative societies."

I think the Bill suffers from a very fundamental defect in that it insists upon unlimited liability on the part of the members of the primary rural societies. The primary societies form the foundation on which the whole super-structure of the co-operative movement rests and it is of the utmost importance therefore to dispassionately consider the effects of unlimited liability on the future development of the co-operative movement. The experience of other countries, *e.g.*, Holland, France, Japan, Finland, Denmark, points to the fact that though there the movement began with unlimited liability they have been forced to change the form of liability and as a result, the tendency in these countries has been to substitute limited for unlimited liability. If we come nearer home, we find also the same thing—United Provinces has been seriously thinking of changing the form of liability. Madras Committee on co-operation has definitely come to the conclusion that the liability of a society whose primary object is the creation of funds to be lent to its members and of which the majority of members are agriculturists, shall ordinarily be limited.

It is needless to go further into details. I am definitely of opinion that true co-operation can only be developed from within. Departmental intervention will only strike at the root of good internal management of the working of societies and hamper the progress of the movement. As such the Bill, as proposed should be modified before its being passed, into law.

Mr. KAMINI KUMAR DUTTA: Sir, I rise in support of the motion of Mr. Chakraverti for referring the Bill to a Select Committee. At this stage I will not enter into any discussion of the details as to the various provisions of the Bill. It might be contended that objections to the provisions in the Bill might well be raised in the form of amendments when the Bill will be considered in this House; but it cannot be gainsaid, and it must be admitted, that in the course of the debate various points will arise which are not and cannot be anticipated by all the members or by every member. On the other hand, we will be more free to suggest amendments in the course of discussion in the Select Committee, as there is more room for free discussion and there is ample scope for making suitable amendments.

As to this particular Bill, I can say without hesitation that my party wants that a real Co-operative Act should come into operation and that it is very sorely needed on account of the present condition of the

societies. There is no question that the Bill is urgently needed. But looking to the Bill it seems to me that the Bill is more like a penal measure than an economic measure. It seems to me that those who are responsible for the initiation of the Bill are very much obsessed with the idea of making compulsory provisions for the realisation of the dues of the societies because of the past failure of the movement. The past failure of the movement has created a very painful impression as to whether this movement will succeed or not in future. But we must not be disappointed about what has happened: we must chalk out a path for the real development of the movement: we must be determined to make the co-operative movement a success. Unless the movement succeeds, it is impossible to make any provision for securing credit in the rural area. The whole credit in the rural area has been stifled: it is almost dead and to my mind it seems that the Co-operative Act is the only door open for reviving the credit in the rural areas.

Now, Sir, reverting to what I was going to say about sending the Bill to the Select Committee, I may say that in the Select Committee we are not only in a position to consider the various provisions of the Bill but also we are competent to take evidence of experts and outsiders. I am of opinion that evidence ought to be taken as to why this movement has failed and how a real co-operative movement can be started in this province. I can assure you, Sir, that a penal measure would not make the Bill a success. Real co-operative spirit should be generated in the people and if you have penal measures, you cannot do that. So, we have got to go to the root in order to ascertain why this movement has failed and what steps should be taken so that we may start a healthy movement for providing credit in the rural areas and for generating real co-operative spirit in the people. For that, simply making this provision or that provision will not do. We shall have to go to the very root and have to take evidence of the people and ascertain why this movement has failed and what should be the remedy.

Sir, I would appeal to the initiators of the Bill and to all my friends in this House that this measure is of very great importance to the country and that time is no question here. It is not necessary for us to hurry through a measure like this. It will be necessary for us to take full evidence on the matter and investigate thoroughly into the causes of its failure and find out the means for effecting real improvement in the conditions of the societies, so that the credit movement may prosper. So, I appeal to my friends and colleagues to support the motion for referring the Bill to Select Committee so that we may fully thrash out the various provisions of the Bill after making a thorough investigation into the causes of failure in the past and finding out means for developing a really healthy movement in the rural areas. With these words, I support the motion for referring the Bill to Select Committee.

Mr. W. F. SCOTT-KERR: Mr. President, Sir, I rise to oppose the motion for reference to a Select Committee of this Bill, for the reason, amongst others, that it had been before a Select Committee for about two years during which time the reasons for the failure of the co-operative movement in the country have been thoroughly thrashed out. The Bill, as it has come to us here, is designed to remedy all the defects that have been brought to the notice of that Select Committee. The criticism against the Bill chiefly runs into the channel that interference with the co-operative movement by officials is likely to strangle the movement rather effectively, but against that it must be realised that the present co-operative movement is in a chaotic condition, and that it will become worse if it is allowed to go on as it is at present. The accumulation of debts is rapidly rising, and this is due to mal-administration and general lack of supervision running through all these societies. And it is with that situation that this Bill is intended to deal. I do not propose to say more but I would remind the members of the Opposition that the points they have raised have already been thrashed out, as I have said, over the past two years. Therefore, it hardly seems necessary to start all over again.

Then, Sir, one of the main points raised is that this Bill is more or less a penal measure. To that, my answer is that there is always a right of appeal from the findings of the Registrar. This will not cause any hardship on the members of co-operative societies, provided such societies are run in accordance with the terms of the rules laid down in this Bill. So, for that reason, Sir, I do not think it is necessary to refer the Bill to a Select Committee and we on this side of the House support the motion for consideration.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion for consideration and oppose the motion for sending the Bill to a Select Committee. My reasons are these. As has been just now said by Mr. Scott-Kerr, the Bill has received full and detailed consideration by the public, by the various co-operative bodies, by the department and by the Assembly. The Assembly has taken two full years to hammer out the Bill as the result of which the broad features of the Bill have been settled and I believe the entire province is of one mind about them. Now, the question is: what are we to do? Having impliedly accepted the broad outlines, Mr. Chakraverti seems to think that there is yet room for hesitation and that hesitation could be settled only in the Select Committee. But after hearing the speeches in support of his motion it seems to me that their objections are not confined to the details but go much deeper and affect the fundamental features and the very scheme of the Bill. Mr. Kamini Kumar Dutta, the leader of the Congress Party, thinks that we should take evidence in the Select Committee. Whatever suggestion comes from Mr. Kamini Kumar Dutta is always entitled to our highest respect, but I submit if we go

through a course of investigation in a Select Committee we will be delaying the matter indefinitely. The Bill is overdue and the matter, I submit, is extremely urgent. Rural credit is gone and shattered. (Mr. RANAJIT PAL CHAUDHURI: Who is to blame?) I think the blame lies with the richer classes—the class to which my friend Mr. Pal Chaudhuri belongs. I do not impute anything to him personally, but a few members of his class—the richer class—is more or less—perhaps honestly and unconsciously—responsible for bringing about so much poverty among the people. It is the unscrupulous money-lenders, the exacting landlords—not all landlords—and men of that type and some unscrupulous businessmen, who are to blame. These factors have ruined the tenantry in the villages and rural credit is gone, no matter whose fault it might be. The situation was degenerating for a long time and now the inevitable crash has come. It is however no use indulging in a *post-mortem* examination into the causes. The point which I was driving at, when I was interrupted, was that the Bill is overdue and should be passed at once and we should not waste our time to find out the causes which have led to this chaotic condition. I believe quick action is necessary; otherwise, the agonies of the people will be needlessly prolonged.

Now, Sir, why has the co-operative movement failed? We know the broad reasons. The movement has failed, firstly, because the societies have been over-financed. In fact, loans have been freely granted to societies beyond their paying capacities, and much beyond their needs. Indiscriminate grant of loans has been the rule. Secondly, one great economic factor has contributed towards its rapid downfall and it is that the land value has very rapidly depreciated within the last few years. This has heightened the effect of the first cause and has intensified the indebtedness amongst the people and most people have become practically insolvent. Now, the combined effect of this over-financing and this depreciation of the land values is that the co-operative movement has become absolutely top-heavy. The entire movement is burdened with debts, with inefficiency, with fraud, with corruption and various other concomitant evils. Now, what are we to do? Are we now to quietly sit down and begin to take evidence as to the causes and wait and philosophise on the various possible causes and sources of the downfall or are we to take the known situation, to which the entire province has been brought, as our starting point and devote our energies to devise and apply the remedy at once leaving philosophical inquiries for later research? I submit, Sir, that we should confine ourselves to the remedy which the Bill attempts broadly to supply.

Now, Sir, the so-called objectionable feature, as has been very rightly pointed out by Mr. Scott-Kerr, consists in the fear of official interference. I believe there is interference and at the same time there

is non-interference,—interference with bad societies which are heading for a fall and freedom and autonomy for societies which are working on better lines. To be exact, a system of rewards and punishments have been provided for in the Bill. In fact, complete freedom and even some power to control subordinate societies have been given to good Central Banks and other bigger organizations where it may be proved that they are working satisfactorily. But where inefficiency or fraud are proved, some Government interference has been provided for. I believe, Sir, that both liberal rewards and drastic punishments are necessary. Though the societies have been working for about 30 years, the movement has failed and some new blood should be injected and new life infused. We have the experience of 30 years and the evidence of a large number of co-operative bodies and co-operative workers before us. The Co-operative Department under its able Registrar has sifted and digested this vast material. They have a unique experience and they have evolved a scheme, and the Bill is the result. I submit, Sir, that in the absence of any other scheme or any other better scheme we should give this scheme a chance. Let us see whether it succeeds; let us see whether Government interference improves matters or whether we should make relaxations. Experience alone can say that. But we should not allow the situation to drift any farther.

Now, with regard to the extent of corruption and inefficiency prevailing in the societies, I think the matter is an open secret and a matter of public knowledge. This sort of corruption and inefficiency should be stopped and this can be best done by Government interference. I believe that in administering the penal provisions the department will be guided by careful considerations. That they will apply the penal provisions with great deal of caution, I have not the least doubt. This department is one of the most humane departments of the Government. They are always ready to co-operate with the people and if the public come forward with the same amount of co-operation and service, the Government interference would be reduced to a minimum. There should be some fear which should work in the mind of the people. As matters stand at present, even in case of mal-administration and mal-practices, Government cannot interfere and that makes the Government absolutely helpless and takes away from the movement any fear of punishment for misconduct. On the whole, Sir, I submit that the Bill has been framed on correct lines.

With regard to matters of detail, we have suggestions of a drafting nature which could be settled on the floor of the House. Now, if we take the matter to a Select Committee, the work cannot be finished during the current session; it will be carried to the next session and in the meantime credit will go down farther and farther, and any attempt to improve or rally forces will be too late. In these circumstances, I submit that we should proceed as quickly as possible, though in considering the clauses of the Bill we should proceed as slowly and as cautiously

as possible. So far as we are concerned, we are working "very hard." There are two experienced retired officials among us who have considerable experience of the working of the department. There are lawyers of great repute in the Congress Benches and on a constructive Bill like this if we put our heads together, I think we can easily improve the drafting and remove the defects. As to its possible practical difficulties, it would be a matter of experience and as we acquire experience we may smooth out the practical difficulties that may be disclosed.

With these words, Sir, I support the motion for consideration of the Bill on the floor of the House and oppose the motion for its reference to the Select Committee.

Khan Bahadur ATAUR RAHMAN: Mr. President, Sir, I would have certainly supported the motion of Mr. Chakraverti for referring the Bill to a Select Committee if unfortunately or fortunately I had not some experience of the working of this department. Sir, 22 years ago, I was in this department and at a conference I pressed these subjects, these so-called penal clauses, which have been inserted in this Bill for being passed into law although on that occasion even by the bureaucratic officers I was opposed. Now I find that after a lapse of quarter of a century the present representatives of Government have realised that such controlling power is necessary for the officers who are in charge of the department. My friends on the other side are forgetting that the co-operative movement is a business proposition and that it cannot be run only by idealism. Sir, I know it for a fact that even very respectable men with high titles and high position in the society committed fraud and even burnt the records of co-operative societies, and that some even committed suicide after embezzling money. These things could not be checked without some control. The present Act has been in operation from 1904. The first Act was passed in 1904; in 1912 it was amended and the movement was extended beyond the credit. So far the movement has not been a success. Dishonesty and mismanagement by the members are one of the causes. There are various other causes and the most important is the economic cause. Unless the root cause is removed, the agriculturist will not be benefited by such measures. Moreover, the material with which the department is to work is not fit enough to carry on this work. Until our people are fit for co-operation, it is impossible to infuse a spirit of co-operation in them and for that reason some missionary work is necessary. At the same time, to safeguard the investors' money there must be some check. The present Bill of course is not an ideal one. I have gone through the whole Bill several times, but I find that the preamble is altogether different from the sections embodied in the Bill. But still I must support it because I think that we might give it a chance. A quarter of a century has passed without much success with the old

*Act. So, let us give this one chance and I do not think that we shall be able to make much improvement by sending it to the Select Committee. So, it is needless to send it to a Select Committee.

With these words, Sir, I support the motion for consideration.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. President, Sir, I have listened with very great attention to the debate that has been raised over this motion of my honourable friend Mr. Chakraverti suggesting that the Bill should be referred to a Select Committee. Sir, no less than 7 or 8 of my honourable friends have taken part in this debate. After what Khan Bahadur Ataur Rahman has said and after what my friends Khan Bahadur Naziruddin Ahmad and Mr. Dharendra Lal Barua have said in opposition to Mr. Chakraverti's motion and in support of my motion, there is very little for me to reply to the suggestion made by some of my honourable friends asking that the Bill should be referred to a Select Committee.

So far as my friend, Mr. Shrish Chandra Chakraverti is concerned, he has said that the Select Committee is the only place where he can think of properly and effectively expressing his views, and that if there be any difference there, they might try and come to an agreement. When my esteemed friend suggests that the Bill should be referred to a Select Committee, I take it that the principles of the Bill have been agreed to. Indeed so far as that is concerned, I think, no objection has been raised by any of the honourable members who have taken part in this debate. My esteemed friend, Mr. Kamini Kumar Dutta, has said that a Bill of this nature is necessary, but he maintains that there is room for improvement which, in his opinion can be accomplished best by further discussion round the table. He goes further and says that he would like to have further opportunity to examine some experts of the co-operative movement. Need I assure him at this stage that when the Bill was referred to a Select Committee of the other House it was thought necessary to take the opinion of some of the individual experts as also that of some expert organisations, namely, the Bengal Provincial Co-operative Bank and other non-official organisations as also individuals like the Minto Professor of the Calcutta University, the Professor of Economics, Dacca University, the Professor of Economics, Islamia College, Calcutta. They were good enough to send on to us their views. I may inform the House at this stage that although it was not possible to accept all the suggestions offered by them, those suggestions were examined and were, as far as practicable, accepted. So far as my friend's suggestion, however, is concerned, I think, there is hardly any necessity for our taking further evidence.

My friend, Rai Sahib J. N. Ray, while supporting the motion for reference to a Select Committee, has congratulated Government on bringing forward a Bill of this nature which, according to him, is

necessary. He only suggests that something should be done when the matter comes before the House and asks why it was not possible for the other House to make it more explicit. I submit that this is not the occasion when I should enter into that matter.

Some of my friends have expressed an apprehension about some of the powers proposed to be given to the Registrar, but, Sir, some of my other friends in reply to that have shown that such powers are necessary.

Khan Bahadur Ataur Rahman with his long experience of the department knows that he it was who made some of the suggestions contained in this Bill which, he says, were not accepted by the previous bureaucratic Government. I should like to refer him to my other friend sitting by him who was an officer also of this department for years and who contends that nothing led the previous Government to take such action as this. I submit, Sir, that is no reason why this Government should not be given a chance. Certainly, this Government deserves better treatment and encouragement from that point of view and in case mistakes creep in, Government may have a chance to correct them. Mr. Roy has asked why civil courts should be debarred from dealing with disputed matters. If he looks to the relevant clause 132, he will find that it is contemplated in these cases to refer the disputes to civil courts. I would appeal to him to examine afresh the provisions contained in this Bill and then to say whether a decision arrived at by the Registrar can at all be made the subject-matter of discussion in a civil court. So far as the internal administration of a society is concerned, if you place matters of this nature before a civil court, the latter will take a long time which would mean that the society will have to be given a decent burial.

I would now refer to the points raised by Rai Bahadur Brojendra Mohan Maitra. I submit that these are the very matters which were agitated in the other House. So far as the question of separation of audit from general administration is concerned, I submit that it is not a practical proposition to suggest that the audit should be taken away from the Registrar's control altogether and placed under an independent authority. But I can assure him, however, that so far as the Provincial Co-operative Bank and Central Banks are concerned, they are absolutely outside the general administration of the department. There is provision for a special staff for this purpose. We have placed 50 officers in charge of the audit work of these Banks who work under the Chief Auditor. The latter officer is no doubt under the control of the Registrar, but he and his staff have nothing to do with the general administration of the societies. I would cite here the case of Railway Co-operative Societies. They are audited by independent bodies like Chartered Accountants and others. I submit, therefore, that the question is not one of placing the audit under an independent charge, but it is one of improving the internal administration of the system

so that when a mistake creeps in, it can be corrected. We want to see that no room is left to anybody to repeat the mistake, either intentionally or unintentionally.

As regards the character of societies, I would appeal to my friends who have some experience of village societies to consider whether they should have the character of a limited liability concern. If you do so, you will find that such limited village societies will be absolutely without any fund for no investor will help any such society with limited liabilities. There is a provision that if a society performs its duties satisfactorily, it can be changed into a society with limited liability, but to start with, we cannot have these village societies with limited liabilities. Their liabilities must be of an unlimited character; otherwise, they would frighten away all the investors and money would not be forthcoming for the proper functioning of such societies.

Mr. Scott-Kerr has been good enough to point out that the Bill has been before the public for over two years now. In fact, the Bill was first published on the 7th July, 1938, and to all my honourable friends in this House and outside who are interested in co-operative matters it was open to offer their help and concrete suggestions either to Government or to the Select Committee of the other House. I submit that we have left no stone unturned to improve the provisions contained in this Bill, and now if we fail to give effect to it at a very early date, it will not be possible to raise the co-operative movement from its present helpless condition. I beg of this House, therefore, to offer us their best assistance in piloting this Bill through this House with a view to making the co-operative movement in Bengal a success.

With these words, Sir, I oppose the amendment of my friend, Mr. Chakraverti.

MR. PRESIDENT: The question before the House is: that the Bengal Co-operative Societies Bill, 1940, be referred to a Select Committee consisting of—

The Hon'ble Mr. Mukunda Behary Mullick, Minister in charge of the Co-operative Credit and Rural Indebtedness Department,

Mr. W. B. G. Laidlaw,

Mr. Naresh Nath Mookerjee,

Mr. Bankim Chandra Datta,

Mr. Amulyadhane Roy,

Rai Manmatha Nath Bose Bahadur,

Mr. Mesbahuddin Ahmed,

Khan Bahadur Alhadj Khwaja Md. Ismail,
Maulana Muhammad Akram Khan,
Mr. Nur Ahmad, and
the mover,

with instructions to submit their report by the 30th November, 1940, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that the Bengal Co-operative Societies Bill, 1940, be taken into consideration.

(The motion was agreed to.)

Order, order. The House stands adjourned till 2-15 p.m. on Wednesday, the 21st August.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 21st August, 1940.

Members absent.

The following members were absent from the meeting held on the 19th August, 1940:—

- (1) Rai Bahadur Keshab Chandra Banerjee.
- (2) Rai Bahadur Manmatha Nath Bose.
- (3) Mr. Humayun Reza Chowdhury.
- (4) Mr. Bankim Chandra Dutt.
- (5) Mr. Narendra Chandra Datta.
- (6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
- (7) Mr. Mohamed Hossain.
- (8) Maulana Muhammad Akram Khan.
- (9) Mr. W. B. G. Laidlaw.
- (10) Sir T. Lamb.
- (11) Dr. Radhakumud Mookerji.
- (12) Rai Bahadur Radhica Bhusan Roy.
- (13) Khan Bahadur M. Shamsuzzoha.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 21st August, 1940, at 2-15 p.m. being the fourteenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Realization of War contributions.

79. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) if it is a fact that the Presidents of Union Boards and other Government officers of different districts of Bengal have been serving poor cultivators with notice with a view to extort contributions to the War Fund;
- (b) if so, whether such forced realization of War contributions is being done with the knowledge and connivance of the Bengal Government; and
- (c) if not, whether the Government will take suitable steps by means of a circular that such contributions are purely voluntary and are not to be extorted from individuals?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Some such notice might have been issued by certain Union Boards under a misapprehension.

(b) No.

(c) Such steps have already been taken.

Mr. LALIT CHANDRA DAS: Arising out of (c), were such steps taken by means of circular letters or confidential letters to the District Magistrates? In what form were such steps taken?

The Hon'ble Khwaja Sir NAZIMUDDIN: District Magistrates have been written to to see that no coercion or intimidation is made to realise the subscriptions. It should be on a voluntary basis entirely.

Mr. AMULYA DHONE ROY: Will the Hon'ble Minister be pleased to state whether it is a fact that one day's pension of the pension-holders is being deducted without their consent?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that, Sir.

Mr. AMULYADHONE ROY: Will the Hon'ble Minister be pleased to state whether such things are happening in Krishnagar?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know about that but I know that one of these gentlemen wrote a letter repudiating the allegation that any intimidation has been practised in realising such contributions.

Mr. AMULYADHONE ROY: Has the Hon'ble Minister made any enquiry with regard to this?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of any such things. If the honourable member will let me have particulars, I will certainly examine them.

Mr. AMULYA DHONE ROY: Is it not the duty of Government to collect particulars when an allegation is made?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not come across any such allegation.

Maulvi ABUL QUASEM: Is it not the duty of members, when they make allegations, to supply particulars for the assistance of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I agree with Mr. Abul Quasem that it is obvious that no enquiry can be made until particulars are given.

Khan Bahadur ATAUR RAHMAN: Is not Union Board a non-official body?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Khan Bahadur ATAUR RAHMAN: Can Government interfere to the extent of stopping the collection of war loans or war funds by such non-official bodies?

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The Hon'ble Khwaja Sir NAZIMUDDIN: Government are not interfering in any way with the efforts of the Union Board and I want to make it absolutely clear that Union Boards are autonomous. What we have intimated to the District Magistrates is that no kind of direct or indirect official pressure should be put on individuals or local bodies for these subscriptions but it should be entirely voluntary and that Government do expect local bodies and individuals to make efforts to realise this subscription on a voluntary basis.

Mr. LALIT CHANDRA DAS: Is it not the duty of Government to protect poor cultivators when they are coerced?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not see any relevancy of this question.

Mr. LALIT CHANDRA DAS: Arising out of (a), when the question was put by Khan Bahadur to the effect whether the autonomous body should be interfered with——

Mr. PRESIDENT: Order, order. In a question there should be no argument or inference. You are merely to put the question for eliciting further information.

Mr. LALIT CHANDRA DAS: My question is whether it is not the duty of the Government to protect the poor cultivators from coercion by Union Boards even though they are autonomous, when the Union Boards are really out to extort subscriptions from them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, that will be against the principle of democracy.

Mr. RANAJIT PAL CHAUDHURI: Is it not the duty of Government to intervene when any act is done by misapprehension?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is just what we have done. We have intimated the District Magistrates that there should be no misapprehension on this subject.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is it not the duty of the officers of His Majesty's Government to see that subscriptions flow into the Defence Fund?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, but purely on a voluntary basis.

Notice by Hon'ble Ministers in regard to non-official Bills.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have the honour to give you notice that I desire to move in the current session of the Bengal Legislative Council the following amendment to Mr. Nur Ahmed, M.L.C.'s motion that his Bill for the amendment of the Bengal Municipal Act, 1932, be referred to a Select Committee, viz., "that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1941."

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice of the following amendment to the motion of Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., that the Bengal Agricultural Debtors (Amendment) Bill, 1940, be referred to a Select Committee at the session of the Council to be held on the 23rd August, 1940, viz.,

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th July, 1941."

GOVERNMENT BILL.

The Bengal Alluvion and Diluvion (Amendment) Bill, 1940.

Mr. PRESIDENT: The House will now take into consideration the Bengal Alluvion and Diluvion (Amendment) Bill, 1940, as passed by the Assembly.

Before I call upon the Hon'ble Minister to move his motion, I would like to draw his attention to the Statement of Objects and Reasons from which it appears that the purpose of this Bill is to fill up a lacuna in the law as regards the assessment of land revenue on re-formed lands after diluvion, *in situ*. As such, it seems to me that the Bill comes under the mischief of section 299(3) of the Government of India Act, 1935, which reads as follows:—

"No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or *modification of rights therein, including rights or privileges in respect of land revenue*, shall be introduced or moved in either Chamber of the local Legislature without the previous sanction of the Governor in his discretion."

It seems to me that some of the provisions in this Bill seek to modify rights in land so far as land revenue is concerned. As a matter of fact, it is admitted in the Statement of Objects and Reasons that in the law as it exists at present, although there is provision for abatement of land revenue in case of diluvion, there is no provision for assessment of land revenue on re-formed lands *in situ*, after they are washed away by

diluvion, as observed by their Lordships of the Privy Council. (Ref. C. W. N. p. 1061.) So, I appreciate the necessity of such a Bill, but at the same time, I draw your attention to the provisions of section 299(3) of the Government of India Act, 1935, according to which this Bill cannot be *moved in* in this Council without the previous sanction of the Governor. Of course, the Chair will have to write to His Excellency for previous sanction; but if you contend that previous sanction is not necessary, I shall be glad to hear you on the point.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, first of all, I venture to submit that Their Lordships of the Judicial Committee of the Privy Council have no doubt pointed out that there is this lacuna in this Act and that under no Statute Government can assess the revenue for re-formations *in situ*. But I do not think that anybody has got any right in land of that character. Because of a lacuna in the Act, no right has been vested in any particular person, I mean the proprietor under any Statute——

Mr. PRESIDENT: To curtail the discussion, may I ask you a question? Under the law as it is, has the Government any right to assess increased revenue for the re-formed lands *in situ* in a permanently-settled estate? Where do you get that right now? By the proposed legislation alone you will be entitled to so assess?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, hitherto, of course, these lands have been assessed as accreted lands. Now, it has been pointed out that there is a distinction between accreted lands and lands re-formed *in situ*. Their Lordships the Judges of the Privy Council have pointed out that there is no Act or Law at present under which Government can assess lands re-formed *in situ* with land revenue where abatement has already been granted.

Mr. PRESIDENT: So, under the existing law, according to the Privy Council decision, the Government have no right to assess revenue as it was held that such lands are not "added lands."

The Hon'ble Sir BIJOY PRASAD SINCH ROY: No, it is not a question of their right but it is a lacuna in the law. In any case if you want to obtain the sanction of His Excellency, I think it is better to obtain it. But there is another ground for which Government are not prepared to proceed with the consideration of the Bill to-day. There is an amendment of Khan Bahadur Muazzamuddin Hosain which requires very careful consideration. It raises a very important point and Government are not in a position to come to a decision without further consideration.

Mr. PRESIDENT: I am also of opinion that some of the amendments come under the same disabilities and His Excellency the Governor's previous sanction is necessary for those amendments also. I shall refer the Bill immediately to His Excellency for his previous sanction.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit one point? Section 299 can only come in if anybody is adversely affected by any legislation.

Mr. PRESIDENT: There is nothing about the question of affecting or modifying the rights, whether adversely or otherwise, in section 299(3) of the Government of India Act. The section reads as follows: "No Bill or amendment making provision for the transference to public ownership of any land, or for the extinguishment or *modification of rights therein, including rights or privileges in respect of land revenue*, shall be introduced....." The question of introduction does not arise, as the Bill comes from the other House; it is only to be moved in, and this cannot be allowed without the previous sanction of the Governor in his discretion.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is what I just wanted to point out. In this particular case, the assesses were assessed, though wrongly, and we are now asking for powers to do something which was not done previously.

Mr. PRESIDENT: It may be that they have or have not been assessed in some cases but they may claim exemption, as there is no law for such assessment still.

The Hon'ble Khwaja Sir NAZIMUDDIN: But where these people were assessed they did pay increased revenue for these lands. Therefore, the only question is what we want to do under one section, you are doing under another section. Apart from that there is no change in the status or rights in the land.

Mr. PRESIDENT: The difficulty of the Chair is that because there is no law entitling Government to demand additional revenue for these re-formed lands, the Chair has to assume that they are not liable to pay that rent at present. I have considered this point carefully.

In the case of Midnapore Zemindary Co. Vs. the Secretary of State for India in Council (41 C.W.N. p. 1061), the Privy Council held that lands comprised in a permanently-settled estate which have been washed away and which afterwards re-formed on the original site, cannot be regarded as "added lands" and are, therefore, not liable to

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fresh assessment under section 6 of the Bengal Alluvion and Diluvion Act, 1847, whether or not an abatement of *Sadar Jama* had been granted while they were under water. This immunity from fresh assessment is now sought to be taken away by the proposed Bill and also by the amendments of Khan Bahadur Naziruddin Ahmad and of Mr. Nur Ahmed. The amendments of Khan Bahadur Saiyed Muazzam-uddin Hosain go even a step further and seek to make the provisions retrospective. I am of opinion that all this clearly result in a modification of an important right in respect of land revenue enjoyed by permanently-settled estates, and that under section 299(3) of the Government of India Act, 1935, the Bill and the amendments referred to, require previous sanction of the Governor. Under Rule 6, sub-rule 2 of the Governor's Rules, I propose to refer this matter to the Governor for his previous sanction.

The House stands adjourned till 2-15 p.m. on Thursday, the 22nd August.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 22nd August, 1940.

Members Absent.

The following members were absent from the meeting held on the 21st August, 1940:—

- (1) Mr. Altaf Ali.
- (2) Rai Bahadur Keshab Chandra Banerjee.
- (3) Mr. Hamidul Huq Chowdhury.
- (4) Mr. Humayun Reza Chowdhury.
- (5) Mr. Narendra Chandra Datta.
- (6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
- (7) Mr. Kanai Lal Goswami.
- (8) Maulana Muhammad Akram Khan.
- (9) Mr. W. B. G. Laidlaw.
- (10) Dr. Radha Kumud Mookerjee.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 22nd August, 1940, at 2-15 p.m. being the fifteenth day of the Second Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Appointment of persons of non-Bengali domicile under the Government of Bengal.

80. Mr. BIRENDRA KISHORE ROY CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state the number of persons of non-Bengali domicile appointed to offices under the Government of Bengal since the 1st April, 1937?

(b) Will he be pleased to state also the name of the offices to which they have been appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): The information is not readily available. Steps are being taken to collect it.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state if he will reply again when the information will be available?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Recruitment of Bengalis to the Eastern Frontier Rifles.

81. Khan Bahadur ATAUR RAHMAN (on behalf of Mr. Hamidul Huq Chowdhury): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) whether the Government propose to make adequate provision against any threat to the internal security and order in this Province owing to the extension of hostilities;

(b) what steps, if any have been taken to secure civil order and security in the Province;

- (c) what is the strength of the Eastern Frontier Rifles, and how it is composed;
- (d) whether the force has Bengalis on it, if so, what is the proportion; if not, from what source was the recruitment made;
- (e) whether the Government propose to open recruitment of the Bengalis in the Eastern Frontier Rifles; and
- (f) whether the Government propose to increase immediately the Police force, specially its armed branch, by at least 10,000 recruits composed entirely of Bengalis?

Minister in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) Principally by—

- (i) increase in the police force;
 - (ii) formation of civic guards in Calcutta and mufassil;
 - (iii) setting up of A. R. P. organisation;
 - (iv) declaring several places as protected areas;
 - (v) controlling processions and meetings; and
 - (vi) by restricting the use of arms and explosives.
- (c) 843 consisting of 1 Commandant. 3 Assistant Commandants, 16 Subedars and Jamadars, 70 Havildars and Naiks, and 753 Sepoys.
- (d) No.
- (e) No.

(f) There is at present no imperative necessity for such increase of staff involving huge extra cost; but Government propose immediately to increase the Provincial Police force by 1,500 men, nearly all of whom will be Bengalis.

GOVERNMENT BILL.

The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940.

Mr. PRESIDENT: The House will now take up the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: I beg to introduce the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940.

Mr. PRESIDENT: The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, is introduced.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, be taken into consideration.

The question before the House is: that the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 2 of the Bill, for the word "Bengal" occurring at the end, the word "India" be substituted.

Sir, the object of the Bill is to remove the disqualification of a member who serves in the Army for the security of Bengal. The object of my amendment is that we should remove the disqualifications of an officer when he works for the security of India. I should submit that in military matters we can hardly make a distinction between Bengal and the rest of India. Military subject in this country is an all-India subject, and also a part of the Empire scheme. We can hardly think of this subject in provincial terms. So, anybody who works anywhere for the security of India should be within the scope of this Bill and also enjoy this little exemption. It may be said that we have no right to legislate for places outside Bengal. But we are merely removing the disqualification for being or remaining a member of this House and that advantage may be enjoyed even by persons who are working outside Bengal for the benefit of India. I do not think we are going outside the provincial sphere by the change of the geographical limits of the sphere of activities of the member.

Mr. PRESIDENT: Order, order. Will it not be widening the scope of the Bill? By an amendment you can restrict the scope of a Bill but you cannot widen it.

Khan Bahadur NAZIRUDDIN AHMAD: I am afraid, possibly that is so——

Mr. PRESIDENT: Then I rule this amendment——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, before you give your ruling may I make a submission——

Mr. PRESIDENT: Are you supporting the amendment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes. My point is that it is considered expedient to amend the legislation for the purpose hereinafter appearing. The idea is that anybody who is going in for service in the Army, Navy or Air Forces of the country, if he happens to be a member of the provincial Legislature and enjoys remuneration for doing so, should not lose his seat in the Legislature. It is not necessary that such service should be confined only to Bengal. In one of the clauses I think, it has crept in by mistake. If his service is to be rendered in some other provinces, I do not think it widens the main object of the Bill.

Mr. PRESIDENT: I am not going into the merits of the Bill. It may be very desirable; but in deciding if the amendment is in order, the Chair is required to find out the scope of the Bill from the Preamble as well as from its clauses. From the clause under discussion, I read: "purpose connected with the maintenance of the internal security of Bengal". This clause, therefore, seeks to remove the disqualification of officers who may be engaged for any purpose connected with the maintenance of the internal security of Bengal. And now, if you try to extend the privilege to officers who may be engaged for maintenance of the internal security of India as a whole, it will be widening the scope of the Bill. The point is not that the Government had no right to use the word "India" in place of "Bengal". But in your notification of the Bill in the Gazette and in the Bill as introduced in the Council, you intended to confine the removal of disqualification only in the case of officers who might be engaged in the maintenance of the internal security of Bengal. If you now want to extend it to India, will that not be widening the scope of the Bill?